2025:DHC:4901

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of Decision: 05.06.2025***

\+ **W.P.(C) 10434/2024**

DELHI PUBLIC SCHOOL DWARKA .....Petitioner

Through: Mr. Pinaki Mishra, Sr. Adv., Mr. Puneet Mittal, Sr. Adv., Ms. Sakshi Mendiratta, Mr. Bhuwan Gugnani and Ms. Nupur, Advs.

versus

NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS AND ORS. .....Respondents

Through: Mr. Abhaid Parikh, Mr. Rishabh Dubey and Ms. Garima Sardana, Advs. for NCPCR.

Mr. Manoj K. Sharma, Mr. Manish Gupta, Mr. Vivek Chandrasekhar, Ms. Akanchha Jhunjhunwala, Ms. Deepti Verma and Mr. Sandeep Gupta, Advs. for parents.

Mr. Sameer Vashisht, SC and Ms. Avni Singh, Adv. for DOE.

Mr. Satya Ranjan Swain, SPC, Mr. Kautilya Birat, GP and SI Ram Singh for R-3.

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (ORAL)

CM APPL.29976/2025 (filed on behalf of parents/applicants for directions)

1. The present application has been filed by the applicants (i.e., parents of students of the petitioner school) alleging non-compliance with the directions contained in the order dated 16.04.2025 passed by this Court in

the present proceedings.

2. Essentially, the grievance canvassed by the applicants is that in contravention of the said order dated 16.04.2025, the petitioner school has taken coercive and arbitrary action against the students in guise of arrears of fees.

3. It is stated that the petitioner *vide* an email dated 09.05.2025, informed the applicants that the names of their children have been removed from its rolls with immediate effect on account of 'non-payment of school fee under Rule 35 of the Delhi School Education Act and Rules, 1973'. The said email/communication reads as under:

> *"Dear Parent,*
> *This has reference to our various reminders through monthly SMS, emails, telephonic calls and final reminder/show cause notice issued to you on account of non-payment of the school fee of your ward Master/ Ms. Xxxxx Admission No. xxxxxx Class xxxxx*
> *You are hereby informed that the name of your ward Master/ Ms.xxxxx Admission No. xxxxx. has been struck off from the school rolls with immediate effect from Friday, 09.05.2025 (A/N) on account of non-payment of school fee under rule 35 of the Delhi School Education Act and Rules, 1973.*
> *You are advised not to send your ward to the school. He/she shall not be permitted to enter the school premises. The RFID card of your ward has also been disabled and, if you send your ward to school despite his/her name being struck off from the school rolls, it shall be at your risk and consequence.*
> *You are requested to kindly collect the Transfer Certificate of your ward from the administration department of the school on 13.05.2025 between 2:30 p.m. to 03:00 p.m. This is issued with the orders of the concerned authorities and in accordance with the rules and regulations.*
> *Principal*
> *DPS Dwarka"*

4. Learned counsel on behalf of the applicants submitted that the decision of the petitioner to remove the children of the applicants from its

roll was undertaken without any prior intimation/reasoned order and in violation of the principles of natural justice. It is submitted that the timing of the said action is not only prejudicial but also jeopardizes the academic and emotional well-being of the students inasmuch as many of the students who have been removed by the petitioner from its rolls are students of class X, who have already completed the pre-registration process for the upcoming Board examination during the previous academic session.

5. It is further submitted that the petitioner has resorted to engage "bouncers" in order to prevent the children of the applicants from entering the school premises. It has been averred in the application that despite the subsistence of the order dated 16.04.2025, passed by this Court in the present proceedings, the children were not only mistreated and threatened by the "bouncers" but were also forced to wait in a school bus for two hours before being dropped back home.

6. It is stated that the petitioner is deliberately refraining from debiting the cheques submitted by the applicants towards the fee approved by the respondent no.4/Directorate of Education and has even refused from accepting fee for the subsequent months, including May, 2025 with ulterior motive to mount pressure upon the applicants.

7. Mr. Pinaki Mishra, learned senior counsel for the non-applicant/petitioner (Delhi Public School, Dwarka) has vehemently opposed the present application. He has raised various contentions; *inter alia*, referring to proceedings pending before coordinate Bench/es of this Court whereby the issue of fees to be charged by the petitioner school is being agitated. He submits that it is not permissible for the applicant to agitate this

aspect in multiple proceedings.

8. He has sought to justify the action taken by the school and has drawn attention to the credentials of the Delhi Public School Society which is a pre-eminent body in the field of education with a proven track record of serving the cause of education.

9. Specific attention was drawn by the learned senior counsel for the petitioner to the fact that in case of ***Divya Mattey and Ors. vs. L.G. GNCTD and Ors.***, W.P.(C) 6500/2025, a coordinate Bench of this Court is seized of the issues as regards fees to be charged from the students of the petitioner school. He seeks that no order be passed in the present proceedings which interfere with or is contradictory to the exercise undertaken by the coordinate Bench.

10. Arguments in the present application were heard on 19.05.2025, on which date order was reserved.

11. It transpires that in CM. APPL. 29605/2025 filed alongwith W.P.(C) 6500/2025 ***(Divya Mattey and Ors. vs. L.G. GNCTD and Ors.***), certain directions have been passed by a coordinate Bench of this Court *vide* order dated 16.05.2025. The relevant portion of the said order reads as under:

> *"30. However, the interim relief sought by the petitioners in the present case with regard to the subsequent academic years including current year 2025-26 does not persuade this Court inasmuch as nothing has been placed on record to show that the DoE has rejected the fixation of fee by the school for the academic session 2024-25 onwards. Until and unless the DoE reviews the financial statements of the school and on its findings, rejects the statement of fee providing for enhancement for the academic sessions 2024-25 onwards on the touch stone of "profiteering" and "commercialisation" of education, the enunciation of law as noted above does not provide for any embargo on such enhancement of fee.*

31. In that view of the matter, the parents of the students studying in DPS Dwarka ought to pay the fee as per the statements of fee submitted by the school for the academic sessions 2024-25 onwards, till the time the DoE takes a decision on the same, and further subject to the final outcome of the present writ petition.

32. Mr. Pinaki Misra and Mr. Puneet Mittal, learned senior counsels appearing on behalf of respondent no.4/DPS-Dwarka, on instructions, fairly state that the school is amenable to the petitioners paying 50% of the hiked school fee.

33. Therefore, it is directed that the wards of the petitioners shall be allowed to continue their studies in their respective classes till the pendency of the present petition subject to the parents depositing 50% of the hiked school fee for the academic years 2024-25 onwards. It is clarified that the rebate of 50% is on the hiked component of the fee, the base fee shall be paid in full. It is further clarified that the dues in terms of the present order with regard to the wards of the petitioners shall be calculated after adjusting the excess fee collected for the year 2023-24, in terms of DoE's order dated 22.05.2024. The parties are, however, at liberty to seek variation or modification of the directions contained in the present order, in the altered circumstances."

12. In light of the aforesaid order, on 04.06.2025, an affidavit has been filed by the Principle-cum-Manager of the petitioner school, *inter alia*, stating as under:-

"2. That in view of the order dated 16.05.2025 passed by this Hon'ble Court in W.P.(C) 6500/2025 titled as Divya Mattey and Ors. v. LG GNCTD and Ors, the petitioner has withdrawn the strike off orders dated 09.05.2025 issued to the parents of the petitioner school under Rule 35 of the Delhi School Education and Rules, 1973 (herein after referred to as DSE Act and Rules) and that the petitioner school has reinstated the names of the students subject to the parents depositing the outstanding fee dues in terms of the directions of this Hon'ble Court in W.P.(C) 6500/2025. Copy of the order dated 16.05.2025 passed In W.P.(C) 6500/2025 titled as Divya Mattey and Ors. v. LG GNCTD and Ors is annexed herewith as Annexure-I. Copy of reinstatement orders issued by the petitioner school is annexed herewith as Annexure-2.

3. That the petitioner school had struck off the names of 31 children from the school rolls under rule 35 of the DSE Act and Rules, for non-payment of the school fee. The details of the 31 children are tabulated herein below:

S.No.	*Name of the Students*	*Admission*	*Class/ Section*	*Balance as on*

		Number		31.03.2025 (In INR)
1	ADITYA SHARMA	D6698	XI-C	133676
2	AVISHI AGARWAL	D6344	XI-E	142594
3	DAKSH GUPTA	D9146	IV-C	165208
4	FALAK GUPTA	D6948	X-A	153676
5	GAURIKA	D9729	III-D	115769
6	KRISHAV MIGLANI	D8943	IX-D	122135
7	KARTIK DABAS	D6781	X-C	121634
8	KRITIKA DABAS	D6780	X-D	100904
9	RUDRANSH SINGH	D8220	VI-E	105094
10	DHRUV SINGH RAJPUT	D8626	V-E	139640
11	YANVI SINGH RAJPUT	D7261	IX-G	139490
12	SWASTIK JHA	D6798	X-E	155700
13	SHAURYA BHATIA	D9303	X-C	157100
14	NISHAD MEHTA	D7665	VIII-F	156535
15	HITESH KHANNA	D8701	V-B	156394
16	ISHITA MRIGANK	D8214	VI-E	155068
17	CLAIRE LUNNEIMOI HAOKIP	D7951	VII-B	150981
18	KUSHAGRA VASHIST	D9189	IV-B	147202
19	AVNIE ADLAKHA	D9447	X-C	140530
20	RAAVI VERMA	D7095	IX-B	136262
21	ANAISHA GUPTA	D8640	V-C	128574
22	VEDAANSH SINGH	D8501	IX-A	120825
23	KAAVYA GOSWAMI	D8845	IX-C	120471
24	RASHIKA GARG	D9236	VI-G	115408
25	NIHAAL P MENON	D8741	VII-F	113904
26	HARSH PRASHANT SAPKALE	D9223	V-E	111263
27	ZIVA MADAN	D9728	III-C	105894
28	KUSHANK MAHENDRU	D9201	IV-C	105194
29	SHARVAS BHALLA	D7912	VII-B	105094
30	GURNEK SINGH KHURANA	D8620	V-C	147250
31	GURNOOR KHURANA	D7962	VII-G	147250
				4116719
TOTAL OUTSTANDING BALANCE: Rs. 41,16,719/- (Rupees Forty-One Lakhs				

Sixteen Thousand Seven Hundred Nineteen only)

> *4. That it is pertinent to mention that the parents of Gurnek Singh Khurana and Gurnoor Khurana (aforementioned at S.No. 30 and 31) had stopped sending the children to the school with the commencement of the academic year 2025-26 from April 2025, much prior to the issuance of strike off order dated 09.05.2025. Therefore, the petitioner school has not restored the names of the said children.*
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> *5. Furthermore, the parent of Gaurika and Krishav Miglani (aforementioned at S.No. 5 and 6 respectively) applied for School Leaving Certificate/Transfer Certificate on 03.06.2025 after the petitioner school had duly issued the order of re-instatement of the children on the school rolls vide email dated 02.06.2025. Copy of the email dated 03.06.2025 sent by the parent of Gaurika and Krishav Miglani to the petitioner school, is annexed herewith as Annexure A-3.*
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> *6. It is most humbly submitted that the names of the children have been re-instated on the school rolls subject to the payment of the fee dues as directed by this Hon'ble Court in W.P.(C) 6500/2025, which is further subject to the final outcome of W.P.(C) 6500/2025, W.P.(C) 14640/2024 and W.P.(C) 9243/2024."*

13. Since the impugned order/s whereby the name of 31 children had been struck off the rolls of the school, has been withdrawn and the concerned students have been reinstated, the controversy raised in the present application has become moot.

14. However, it is clarified that if the school seeks to take any action in future by taking recourse to Rule 35 of the Delhi School Education Rules, 1973, then the school will (i) issue a prior communication specifically putting the concerned students and/or their parents/guardians to notice as to the date on which the students are proposed to be struck off the rolls; (ii) give a reasonable opportunity to show cause against such action.

15. This Court is also constrained to express its dismay at the alleged conduct of the petitioner school in engaging "bouncers" to physically block entry of certain students into the school premises. Such a reprehensible

practice has no place in an institute of learning. It reflects not only disregard to the dignity of a child but also fundamental misunderstanding of a school's role in the society.

16. Public shaming/intimidation of a student on account of financial default, especially through force or coercive action, not only constitutes mental harassment but also undermines the psychological well being and self-worth of a child. The use of "bouncers" fosters a climate of fear, humiliation and exclusion that is incompatible with the fundamental ethos of a school.

17. A school though charges fees for the services rendered, cannot be equated with a pure commercial establishment. The driving force and character of a school (particularly a school such as the petitioner, which is run by a pre-eminent society) is rooted not in profit maximisation but in public welfare, nation building and the holistic development of children. The primary objective of a school is to impart education and inculcate values, not to operate as a business enterprise.

18. The school, no doubt, is entitled to charge appropriate fees, especially given the financial outlay required to sustain infrastructure, remunerate staff and provide a conducive learning environment. However, the school is different from a normal commercial establishment, inasmuch as it carries with it fiduciary and moral responsibilities towards its students.

19. It must also be emphasised that the concerned parents are obliged to adhere and comply with the orders passed by this Court as regards payment of requisite fees to the school. The judgment/order dated 16.05.2025 passed by a coordinate Bench of this Court in W.P.(C) 6500/2025 and CM APPL.

29605/2025, gives clear and cogent directions as to the amount of the fees which is to be payable.

20. It is hoped and expected that the petitioner school as also the applicants/parents will act with circumspection and cooperate with each other with a view to advance the interest of the concerned students.

21. The present application stands disposed of.

JUNE 5, 2025/*at/sl* **SACHIN DATTA, J**