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

+ **W.P.(C) 6151/2024 & CM APPL. 25614/2024**

MANISH GOEL

..... Petitioner

Through: **Dr. M.K. Gahlaut with Mr. Varun Jain, Advocate (Through VC)**

versus

GOVT OF NCT OF DELHI & ORS.

..... Respondent

Through: **Mr. Prashant Manchanda, ASC with Ms. Nancy Shah, Advocate for R-1, 3 and 4
Mr. Sahaj Garg, Advocate for R-2/UOI**

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Date of Decision: 02nd May, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

JUDGMENT

MANMOHAN, ACJ : (ORAL)

CM APPL. 25614/2024 (for exemption)

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

W.P.(C) 6151/2024

1. The present Public Interest Litigation ('PIL') has been filed seeking a direction to Respondent No.3 – Directorate of Education ('DoE') of GNCTD to ensure that Respondent No. 5 – Maharaja Agarsain Public



School, a Cambridge International School ('School') does not realise a sum of ₹ 2,000/- per month in lieu of providing the services of air conditioning to the students in the classrooms.

2. It is stated that the Petitioner's ward is studying in Class IX-A in Respondent No. 5 School and the Petitioner is being charged a sum of ₹ 2,000/- per month towards the air conditioning facility.

3. Learned counsel for the Petitioner states that the obligation to provide an air-conditioning facility to the students rests with the School management and this facility should be provided by the School from its own funds and resources. He states that the levy of this charge on the students is contrary to Rule 154 of Delhi School Education Rules, 1973 ('DSE Rules'). He states that though the availability of the facility is not denied, however, the Petitioner disputes that he has any liability to bear the said costs.

4. In reply, learned counsel for DoE, GNCTD states that the Respondents are examining the issue. He states that complaints have been received and Respondents have called for an Action Taken Report. He states that Respondents have issued a Show Cause Notice to Respondent No. 5 School on the complaints received.

5. Having heard the learned counsel for the parties, we are of the considered opinion that the present petition is not maintainable. The Annexure P-2 filed with this petition is the Fee Receipt issued by Respondent No. 5 School for the session 2023-24 and it duly records the entry of charges for air-conditioner. There is thus, a presumption that the said charges have been raised after apprising the DoE of the fee and charge schedule. In view of the admission of the Petitioner that the facility of air conditioning is being provided to the students in the classrooms, prima facie,



there is no irregularity in the charge levied by the School. The costs of air-conditioning services provided to the children in the School have to be borne by the parents as it is a facility provided to the children and is no different from the other charges such as lab fee and smart class fee levied. The parents while selecting the School have to be mindful of the facilities and the cost of the facilities provided to the children in the School. The financial burden of providing such facilities cannot be fastened on the school management alone.

6. Even otherwise, as apprised by learned counsel for Respondents, the DoE is seized of the matter and is awaiting the action taken report, we are therefore, not inclined to entertain the present PIL and the same is dismissed.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

MAY 2, 2024/rhc/aa