

REPORTABLE MATTER AS ON 5.08.2015

SUMMARY OF THE LEGAL CASES IN THE HIGH COURT AND SUPREME COURT WITH SOME DEVELOPMENTS

1) Justice Anil Dev Committee Report (8147 / 2009 & 7777/2009) (Division Bench of Delhi High Court)

The aforementioned writ petition was listed on 9.12.2014 as item no.59 before DB-II of the Hon'ble High Court of Delhi. The case was listed on applications being filed by a Private Unaided recognised schools challenging the recommendations of the JADSC w.r.t. Development Fee and its follow up order by DOE seeking implementations of the said recommendations and refund of Fee.

The undersigned informed the Hon'ble Bench that in a similar matter of Summerfields school, the matter has been sent back to the Single Bench as per roaster. The counsel for the applicants on being informed, withdrew his applications with liberty to approach the single judge as per roaster by filing substantive writ petition, the Hon'ble Court dismissed these applications as withdrawn with liberty.

The Writ Petition was taken up by the court at 5:20 PM and the matter was thereafter adjourned for 27th March, 2015

The matter was listed for hearing on 27.03.2015 has been adjourned to 10.07.2015.

The matter has been further adjourned to 17.07.2015

**MATTER WAS ADJOURNED. THE NEXT DATE OF HEARING
FIXED WAS 24.07.2015 AGAIN ON 24TH JULY, 2015. THE
HON'BLE HIGH COURT FURTHER DECIDED TO ADJOURNED
THE CASE TO 7.08.2015**

2) Mr. Rahul Chadha and ORSV/s Summer Field School &ORS (WP (C) 1128/2010) Quarterly Fee payment

The matter was listed for hearing on 19.01.2015, however, the court did not take up the matter and adjourned to 07.04.2015

The case was dismissed as withdrawn in our favour. The court has merely recorded that the parents having financial difficulty may be allowed to pay monthly fees otherwise the payment of quarterly fee is valid. The copy of the order will be obtained and circulated to all Delhi schools principals.

3) Nursery Admission Matter WP (C) 177/2014

Hon'ble High Court of Delhi pronounced the judgment on 28.11.2014. In the landmark judgment private unaided schools have been given full autonomy to decide their admission criteria which should be based on the Principles of transparency and reasonability. The order of the Hon'ble High Court has been challenged by the Government of Delhi and the same has also be challenged by Abhibhavak Mahasangh through Mr. Ashok Aggarwal Social Jurist. The matter was listed for hearing on 5.12.2014. However, since the Government appeal is coming up for hearing on Wednesday 10.12.2014. Both the appeals are clubbed and to be heard on 10.12.2014.

The matter came up for hearing on 10.12.2014. The application for stay was dismissed. Next date of Hearing is 15.01.2015.

No hearing was done on 15.01.2015. The matter has been adjourned to 29.01.2015.

Sr. Advocate on behalf of Government of Delhi continued his argument on 9.02.2015. The matter is now adjourned for next hearing on 26.02.2015.

The matter was listed for hearing on 26.02.2015 finally did not come up on account of the absence of the Sr. Advocate appearing on behalf of the Directorate of Education.

The matter which was listed for hearing on 13.03.2015 could not be taken up since the Court was closed on account of sudden and sad demise of the Mother of Chief Justice of Delhi High Court. The next hearing of the matter is fixed on 10.04.2015.

The matter was listed for hearing but finally not heard adjourned to 21.04.2015

The matter was listed for hearing on 21.04.2015, however, the counsel appearing on behalf of the Government did not turn up. The matter has been adjourned to 15.05.2015.

Mr. Kamal Gupta Advocate and Mr. Rakesh Khanna Sr. Advocate both were present in the court. The Government counsel requested for adjournment on the advise of the Government. The High Court accordingly adjourned the case till **4th August 2015**

THE MATTER WAS LISTED ON 4.08.2015 BUT THE BENCH HEARING IT WOULD BE ASSEMBLE ONLY ON 07.08.2015

4) RTI Matter Rita Sen Vs. GNCTD WP (C) 7016/2011 & M NO. 16085/ 2011 (FOR STAY)

This pertains to the applicability of the RTI Act to private unaided schools. In this case, challenging the order passed by CIC holding DPS, Rohini to be a Public Authority, an application was recently filed by the DoE, alongwith a detailed counter affidavit, requesting the court to condone the delay in filing of the counter affidavit. Since the courts are very liberal in condoling any delay of time on the part of government authorities, the delay was condoned. However, Hon'ble Judge agreed with our appeal to file an additional affidavit responding to the counter affidavit of the DoE. Date of 12.5.2014 has been postponed to 19.8.2014. The matter was last heard on 31.03.2014 by a single judge.

The matter came for hearing on 19.08.2014. The Hon'ble High Court has given the time for filing the rejoinder to the Petitioner and respondents

The matter was listed for hearing on 05.11.2014, however, the same has been adjourned to 23.03.2015.

The matter was listed for hearing on 23.03.2015 has been further adjourned to 13.07.2015.

THE MATTER WAS LISTED FOR HEARING ON 13.07.2015. SOME PARTIES REQUESTED FOR ADJOURNMENT. THE Hon'ble High Court AGREED AND NOW THE CASE HAS BEEN ADJOURNED TO 24.11.2015

5) Property Tax Municipal Corporation of Delhi V/s Various Schools Matters SLP at Supreme Court of India 9522 / 2013

The matter pertaining to tax (Mahavir Jain) on the SC has been re-notified for 15.1.2015. As already informed, this matter would be listed in Court only after service of respondents and pleadings are complete in all the connected appeals filed by the MCD.

6) ACTION COMMITTEE V/S DIRECTORATE OF EDUCATION WP (C) 3616/2013 LATE FEE FINE

The matter was listed for hearing on 19. 01. 2015, however, the court did not take up the matter and adjourned to 7.04.2015.

THE MATTER WAS LISTED ON 7.04.2015 AND HAS BEEN RE NOTIFIED FOR HEARING ON 18.08.2015.

7) SEATS FOR DISABLED CHILDREN IN PRIVATE UNAIDED SCHOOLS MATTER WP (C) 1225/2014

In pursuance of the order of the court to inspect the facilities claimed by the schools for teaching the disabled, the DoE informed the court that they have inspected the schools and the filled up questionnaire of each such school is put on the DoE website. The Court taking note of this has closed the contempt proceedings against the Chief Secretary. However, the question as to whether 3% admissions can also be made out of 75% general category seats and not be confined to the 25% EWS seats, will be considered on the next date. The order shall be sent as soon as the same is made available.

The matter was heard by a division bench on 4.3.2015. The Division bench has directed the DoE to file an affidavit to giving the update and status of admissions of disabled children made under the centralized online system. The next date in the matter is 25.3.2015.

The matter came up for hearing before the Hon'ble Court on 25.03.2015, the same has adjourned to 06.05.2015.

The matter came up for hearing before the Hon'ble Court on 06.05.2015, the same has adjourned to 02.07.2015.

The matter came up for hearing before the Hon'ble Court on 02.07.2015, the same has adjourned to 29.07.2015.

THE MATTER WAS LISTED ON 29.07.2015 WAS ADJOURNED TO 20.08.2015

9) **APPLICABILITY OF RTE ACT TO THE 75% GENERAL CATEGORY ADMISSIONS**

The matter Social Jurist is likely to come up on 09.01.2015, it is an appeal against the Division Bench of Delhi High Court that held that RTE does not apply to the children below the age of 6 years.

The matter came up for hearing before the court of Chief Justice on 09.01.2015. The Writ Petition has been admitted, however, the date of hearing will be notified. The matter is likely to come up not before the beginning of next year 2016.

NO CHANGE IN THE STATUS SINCE THE MATTER WAS REPORTED IN THE LAST BOARD OF MANAGEMENT MEETING.

10) **WP Civil No. 4109 of 2013 Fee Hike Matter**

PIL filed by Abhibhavak Mahasangh seeking a direction to the effect that the Director of Education (DOE) shall fix the fees of Private Unaided schools and that such schools shall not be allowed to increase the fees without the prior sanction of DOE. Action Committee is a party and has filed Writ Petition before Hon'ble High Court of Delhi

Matter is listed for hearing on 21.01.2015. The court has posted the matter for 25.03.2015 for hearing. Mr. Rakesh Khanna Sr. Advocate appeared alongwith Mr. Kamal Gupta Advocate on record.

The matter pertaining to taking prior approval of the Department of Education for fixing the fee was listed for final hearing on 25.03.2015. However the matter was adjourned by the Chief Justice to 15.07.2015.

NO CHANGE IN THE STATUS SINCE THE MATTER WAS REPORTED IN THE LAST BOM MEETING.

11) Free Uniform and Books Distribution for EWS:

The matter came up for hearing on 4.12.2014 and same has been adjourned to 11.12.2014.

The hearing of the matter concluded today. Hon'ble Judge has categorically observed that the State Government has to reimburse the actual amount to the schools for the Uniform and the Text Books. Further the Hon'ble Court observed the schools having been allotted land by the Government agencies, 5% of the Tuition Fees shall be reimbursed to the schools. Copy of the judgment will come soon

The judgment is awaited