

\*

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

+

**Date of Decision: April 15, 2009**

%

**W.P.(C) 43/2006**

SOCIAL JURIST, A CIVIL RIGHTS GROUP ..... Petitioner  
Through: Mr. Anuj Aggarwal and Mr. Mannu  
Mohan, Advocates.

versus

GOVERNMENT OF NCT OF DELHI & ANR. .... Respondents  
Through: Ms. Avnish Ahlawat, Ms. Simran  
and Mr. Saurabh Chadha, Advocates for  
Respondent Govt. of NCT of Delhi.  
Mr. Ajay Verma, Advocate for Respondent  
DDA.  
Mr. Sanjeev Sabharwal, Standing Counsel  
for Respondent MCD.

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE NEERAJ KISHAN KAUL**

1. Whether Reporters of the Local Newspapers may be allowed to see the Judgment? No
2. To be referred to the Reporter or not? No
3. Whether the Judgment should be reported in the Digest? No

**NEERAJ KISHAN KAUL, J. (ORAL)**

1. The present petition was filed in public interest raising issues concerning establishment and running of unauthorized and unrecognized schools in the city of Delhi. It is stated in the present writ petition that unregistered and unrecognized schools are being run in different parts of Delhi and the same had been established and were being run without the permission of the Government and without the recognition of the proper authority under Delhi School Education Act, 1973. It was also alleged in the present petition that

most of the schools were ill-equipped and were set up in unsafe buildings and did not have adequate accommodation.

2. The writ petition was allowed with certain directions on 2<sup>nd</sup> February, 2008. The Directorate of Education, MCD, NDMC and DDA as also other prescribed authorities were asked to submit an action taken report in the matter within a period of six months from the date of the order and the matter was to be then put up for perusal and orders in Chambers. Thereafter orders were passed from time to time and the Court perused the two action taken reports dated 7<sup>th</sup> August, 2008 and 12<sup>th</sup> August, 2008 filed by the MCD and the Directorate of Education respectively. The reports were silent as to what action the respondents proposed to take against the schools that had not applied for recognition and were still continuing to function. The respondents were also directed to indicate that if they decided to close the schools, what arrangements they proposed to make in respect of the students taking education in such schools. Pursuant to Court orders, affidavits were filed.

3. Mr. Sabharwal, learned counsel for the MCD had fairly conceded that the report was incomplete and a further survey of unrecognized schools was necessary in order to suggest the action plan for the closure of unauthorized schools and for accommodation of children studying therein in the nearby MCD schools. The matter again came up before the Court on 17<sup>th</sup> December, 2008 when the

MCD as well as the Government of NCT of Delhi were asked to file an additional affidavit to indicate the action plan for implementation of the judgment and in particular how they proposed to stop the functioning of unrecognized schools which have failed to apply for recognition and how they proposed to accommodate the children studying in such schools.

4. Today, during the course of hearing, it was brought to the notice of the Court that Special Leave to Appeal (Civil) No. 21952 of 2008 arising out of the judgment and order dated 8<sup>th</sup> February, 2008 had been filed in the Hon'ble Supreme Court of India and on 2<sup>nd</sup> April, 2009, the same came up for hearing when the Hon'ble Supreme Court was pleased to pass the following order:-

*“ Delay condoned.*

*Learned senior counsel appearing for the Director, Education submits that pursuant to the directions of the High Court, a survey was conducted by a Committee and the department is awaiting the Report of the said Committee. He also submits that there are about 1063 unauthorised schools out of which about 478 unauthorised schools have already applied for recognition and survey will continue for a period of another six months.*

*In view of this, we direct that the schools may not be closed till the Report of the Committee is given and a final decision is taken by the authorities.*

*Status quo to continue for six months.*

*The Special Leave Petition is disposed of accordingly.”*

5. It is stated by the counsel for the parties before us that in view of the said order passed by the Hon'ble Supreme Court, nothing further survives in the present petition.

6. The writ petition is accordingly disposed of.

**NEERAJ KISHAN KAUL, J**

**CHIEF JUSTICE**

**APRIL 15, 2009**

**sb**