

\$~13 (2021 Cause List)

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

Date of Decision 8th July, 2021

+ W.P.(C) 6007/2019

RIDDHIMA SINGH (MINOR) THROUGH
HER FATHER SHAILE NDRA KUMAR SINGH Petitioner
Through: Mr. Shailendra Kumar Singh in
person.

versus

CENTRAL BOARD OF SECONDARY
EDUCATION AND ORS. Respondents
Through: Ms. Seema Dolo, Adv. for R-1/
CBSE.
Ms. Aishwarya Rao, Mr. Sumit
Jain, Ms. Venika Nim, Advs.
for R-3/School.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

J U D G M E N T

PRATEEK JALAN, J. (Oral)

The proceedings in the matter have been conducted through video conferencing.

REVIEW PET. 94/2021 & CM APPL. 19781/2021 (for consideration)

1. By way of this review petition, the petitioner seeks review of the judgment of this Court dated 04.06.2021 by which W.P.(C) No. 6007 of 2019 filed by the petitioner was dismissed. The petitioner has also filed CM. APPL. 19781/2021 with the title “*application for considering this writ along with amendment application and to*

provide opportunity to defend my case”.

2. By the judgment under review, this Court has held that the writ petition is not maintainable on the grounds of *forum non conveniens*, and dismissed the petition with liberty to the petitioner to approach the appropriate court for the same relief.

3. The review petition runs into 72 pages, and contains paragraph-wise contentions with regard to the contents of the judgment under review. I have requested Mr. Shailendra Kumar Singh, the father of the petitioner, who argued the writ petition in person and has also argued the review petition in person, to crystallise his submissions within the parameters of the review jurisdiction of the Court. The arguments raised by him in support of the petition are dealt with in the following paragraphs of this order.

4. The first argument of Mr. Singh is that the question of territorial jurisdiction, although noted in the first order of this Court dated 27.05.2019, was not reiterated in the further orders starting with the order dated 27.08.2019. According to Mr. Singh, the Court passed further orders upon its satisfaction on the point of territorial jurisdiction, and the issue was no longer open.

5. I find Mr. Singh's submission in this regard wholly misconceived. The order dated 27.05.2019 notes the issue of territorial jurisdiction and specifically records that all issues, including the issue of territorial jurisdiction, remain open. None of the subsequent orders decide this issue in favour of the petitioner. In fact, Mr. Singh is unable to point out any such order and submits that the decision on territorial jurisdiction is “implicit” in the subsequent orders of the

Court. To the contrary, in the order dated 26.11.2020, it is specifically noted that the petition would be heard *inter alia* on the question of maintainability with regard to territorial jurisdiction. Mr. Singh's ground of review on this account is therefore rejected.

6. Mr. Singh's next submission is that the judgment under review is in error in holding that the ground upon which the jurisdiction of this Court was invoked, is that the head office of the Central Board of Secondary Education ["CBSE"] is situated in New Delhi. According to Mr. Singh, the cause of action also arose in New Delhi. In support of this contention, he submits that the byelaws, regulations etc., framed by the CBSE were framed at its head office in New Delhi.

7. The submission to this effect is also untenable. The framing of byelaws, regulations etc., at the head office of the CBSE does not confer a right upon the parties in any part of the country to approach this Court for the ventilation of its grievances. As noted in the judgment under review, the petitioner is a resident of Ghaziabad, Uttar Pradesh, and the school is also located there. The judgment therefore proceeds on the ground that a different court is a more appropriate court for agitation of those grievances, and the point raised by Mr. Singh is not dispositive of that finding.

8. Mr. Singh further submits that the Court has failed to take into account the documents on record which demonstrate that the CBSE was to take action against the School in its office at New Delhi, notwithstanding that the school in question is admittedly situated in the State of Uttar Pradesh. In support of this contention, Mr. Singh referred to a "Grievance Status" communicated to him by the CBSE

dated 13.11.2017 [Annexed to the writ petition at page 104]. In the said document, the grievance raised by Mr. Singh was disposed of by the CBSE with reference to its byelaws, circulars etc., and further stating that the name of the school concerned had not been specified, so that further action could be taken against the school. The CBSE thereafter issued a further communication dated 03.01.2018 [at page 105 of the writ petition] categorically stating that it does not possess any regulatory power in the matter of fee hike, and therefore the State Government would be required to take appropriate action in the matter. This point therefore does not disclose any error on the face of the judgment under review.

9. Mr. Singh also refers to a communication dated 21.12.2017 addressed by the Block Education Officer, Ghaziabad to the District Basic Education Officer wherein it is *inter alia* stated that full control over the institutions rests with the CBSE Board, Delhi and the Joint Education Director, Meerut Mandal Meerut. According to Mr. Singh, this document clearly establishes that the cause of action arose within the jurisdiction of the CBSE in Delhi. I do not find any warrant for such a conclusion. The fact that the CBSE Board is located in Delhi and according to the State Government would have to take action in the matter, does not imply that this Court alone has jurisdiction over the grievances sought to be ventilated by the petitioner.

10. Mr. Singh next argues that the cause of action for the present writ petition has arisen within the jurisdiction of this Court, due to acts committed by the respondent-School during the pendency of the writ petition. He submits that the School has taken various actions against

the petitioner during the pendency of the petition. Quite apart from the fact that subsequent events would not serve to locate the cause of action for the petition within the jurisdiction of this Court, it is patent that those grievances are also against the School and can appropriately be agitated in the Court having territorial jurisdiction over the School.

11. Mr. Singh next submits that the observation in paragraph 1 of the judgment under review to the effect that at the time of filing of the writ petition, the petitioner was studying in Class VII in the respondent-School is incorrect. According to him, the petitioner was not being permitted to attend classes in the School and was in fact studying at home in Class VIII at the relevant time. Ms. Aishwarya Rao, learned counsel for respondent no. 3-School, however, submits that the petitioner has throughout remained on the rolls of the respondent no. 3-School, a fact which Mr. Singh is not in a position to dispute. His submission is that, even during this period, the School did not communicate to the parents of the petitioner that she was not attending the school. There is therefore no cause to review the judgment on this ground, either.

12. Mr. Singh also submits that the observations in the judgment under review with regard to the order of the Division Bench of this Court dated 12.10.2020 in LPA 297/2020 are erroneous inasmuch as the petitioner was unable to take the examinations in question due to the doctrine of impossibility. The order of the Division Bench dated 12.10.2020 speaks for itself in this regard, and Mr. Singh's submission on this account does not call for review of the judgment dated 04.06.2021.

13. Further, it is pointed out by Mr. Singh that he had challenged the judgment of the Division Bench dated 12.10.2020 in LPA 297/2020 and the judgment of the Division Bench dated 25.03.2021 in LPA 318/2020 before the Supreme Court. LPA 318/2020 was directed against the direction contained in paragraph 3 of the order of this Court dated 10.02.2020 (extracted in paragraph 7 of the judgment under review). By an order dated 30.06.2021 [passed after the judgment under review had been rendered] in SLP(C) No. 7512-7513/2021, the Supreme Court has dismissed the SLPs. The order of the Supreme Court, therefore, also does not call for review of the judgment dated 04.06.2021. Mr. Singh submits that he intends to seek review of the order of the Supreme Court, but that also is not a ground to entertain the present writ petition.

14. The arguments raised by Mr. Singh display an attempt to reagitate issues which had already been decided in the judgment under review. Such a course cannot be permitted. A review petition cannot be treated as a second opportunity to argue matters which have already been adjudicated. Quite oblivious to the limitations of the review jurisdiction, Mr. Singh has also sought to argue the merits of the grievances brought out in the writ petition, which this Court has declined to enter into. The petitioner is not remediless as far as the merits of the dispute are concerned, as she has been expressly granted liberty to agitate her grievances before the appropriate court, if she is so advised.

15. For the reasons aforesaid, I do not find any ground to exercise the review jurisdiction of the Court. The filing of the review petition is utterly misconceived, and the arguments meritless.

16. The review petition is therefore dismissed with costs of Rs. 30,000/- to be deposited with the Delhi High Court Legal Services Committee [Account No.: 15530110008386; IFS Code: UCBA0001553; Branch – UCO Bank, Delhi High Court] within a period of four weeks from today. A copy of this order be transmitted to the Secretary, Delhi High Court Legal Services Committee.

PRATEEK JALAN, J

JULY 8, 2021/ j'



न्यायमेव जयते