

\$~76 (2021 Cause List)

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

+ W.P.(C) 10897/2021

SUHAIL RAZA AND ANR.

..... Petitioners

Through: Mr. Pulkit Agarwal, Mr. K.P. Jayaram, Mr. Palav Agarwal, Mr. Ashutosh Kumar & Mr. Sudhanshu Kaushik, Advs.

versus

GOVT. OF NCT DELHI AND ANR.

..... Respondents

Through: Mr. Santosh Kumar Tripathi, Std. Counsel (Civil) GNCTD with Mr. Arun Panwar and Mr. Siddharth Krishna Diwedi, Advocates for R-1. Ms. Manisha Singh, Advocate for R-2/CBSE.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **27.09.2021**

The proceedings in the matter have been conducted through hybrid mode [physical and virtual hearing].

CM APPL. 33596-33597/2021 (exemptions)

Exemption allowed, subject to all just exceptions.

The applications are disposed of.

W.P.(C) 10897/2021 & CM APPL. 33595/2021 (stay)

1. This writ petition has been filed against the Directorate of Education, Government of NCT of Delhi ["GNCTD"] [respondent no.1] and the Central Board of Secondary Education ["CBSE"] [respondent

no. 2] for the following reliefs:

“a. Issue an appropriate writ, order, or direction directing Respondent No. 1 to extend financial co-operation to the petitioner by paying the Board exam fees as sought by Respondent No. 2 vide circular dated 16.09.2021;

b. Issue an appropriate writ, order, or directions directing Respondent No.2 to completely waive off examination fee for the children of the present petitioner as well as other students of class X and XII studying in Delhi Govt Schools and in EWS Category of the private schools for the current academic year 2021-2022;

c. Issue any appropriate writ, order or direction directing the Respondents to provide an extension of time to the present petitioner for depositing the examination fees for the current year 2021-2022.

d. Grant stay upon the operation of circular dated 16.09.2021 issued by the Respondent No. 2 and Circular dated 20.09.2021 issued by Respondent No. 1 till final disposal of this Writ Petition.

e. Pass any other order that this Court deems fit and proper under the facts and circumstances of the case.”

2. Mr. Arun Panwar, learned counsel, appears on advance notice on behalf of the GNCTD. Ms. Manisha Singh, learned counsel, who is present in the video-conference hearing has been requested to appear on behalf of the CBSE.

3. The question of whether to provide subsidy to Government school students in respect of the Board examination fees is a matter of policy. It is the Government which must take a call. Mr. Pulkit Agarwal, learned counsel for the petitioner, therefore, seeks permission to withdraw the writ petition with liberty to make a representation to the respondents.

4. The writ petition is dismissed as withdrawn.

5. The respondents are directed to treat the writ petition as a

representation and take a policy decision thereupon. As the last date for submission of the examination fees for the Board examinations to be held in 2022 is 30.09.2021, if the GNCTD intends to provide the relief sought by the petitioner, it is directed to issue a public notice to this effect by 29.09.2021.

PRATEEK JALAN, J

SEPTEMBER 27, 2021

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