

(Equivalent Citation:- 2005(7) AD(Delhi) 345, 2005(84) DRJ 110, 2005(7) AD(Delhi) 345)

123 (2005) Delhi Law Times 20

Delhi High Court

Vikramajit Sen, J.

CHILDREN'S EDUCATION TRUST OF INDIA—Petitioner

versus

UNION OF INDIA & ANR.—Respondents

W.P. (C) Nos. 6455, 4276, 1883, 2086 of 2002 and 2598 of 2005 —Decided on 8.8.2005

Constitution of India, 1950 — Art. 226 — Delhi School Education Act, 1973 — Section 20 — Management of Central Academy Sr. Secondary School : True representative of erstwhile body : Section 20 does not prescribe action to be taken after 5 years period elapsed : Interpretation of Section 20 is upon expiry of maximum 5 years term : Administration must return school to erstwhile body unless it is clear that reason for takeover not disappeared : Decision subject to judicial review : Object of Section 20 cannot be transient change : It must be transitional one from regime of mismanagement or maladministration to beneficent order ensuring proper education imparted to students for whom State grants at least 90% aid : School strength reduced to 30 students at time of takeover : Administrator's decision to cancel lease and to allot it to Administration for specific purpose of continuing school, does not suffer from Wednesbury unreasonableness : Trust has lost title of leased land and building and it could not have been achieved directly.

[\[Paras 8 to 10\]](#)

Result : Writ Petitions disposed of.

Cases referred:

1. 1995 Suppl. (4) SCC 722. (Referred)
2. [47 \(1992\) DLT 424 \(SC\)](#). (Referred)
3. [66 \(1997\) DLT 25 \(DB\)](#)=1997 41 DRJ 65 (DB). (Relied)
4. (1955) 1 SCR 408=AIR 1954 SC 415. (Referred)
5. 1953 SCR 1129=AIR 1953 SC 215. (Referred)

[\[Para 6\]](#)

[\[Para 6\]](#)

[\[Para 3\]](#)

[\[Para 4\]](#)

[\[Para 4\]](#)

Counsel for the Parties :

For the Petitioner : *Mr. Madan Bhatia, Senior Advocate with Mr. R.M. Sinha, Mr. S.C. Pandey and Mr. Deepak, Advocates.*

For the UOI : *Mr. Amit Bansal, Advocate.*

For the Directorate of Education : *Ms. Avnish Ahlawat, Advocate.*