

**(Equivalent Citation:- 1997(41) DRJ 65, 1997(2) AD(Delhi) 325, 1997 AIR(Del) 307, 1997(41) DRJ 65, 1997(2) AD(Delhi) 325)**

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**66 (1997) DELHI LAW TIMES 25 (DB)**

**DELHI HIGH COURT**

**M. Jagannadha Rao, C.J. & Manmohan Sarin, J.**

**CENTRAL ACADEMY SR. SECONDARY SCHOOL—Petitioner**

**versus**

**LT. GOVERNOR & ORS.—Respondents**

**CW No. 2572 of 1996—Decided on 14.2.1997**

**Constitution of India, 1950—Art. 226—High Court not Court of Appeal—Delhi Education Act, 1973—Section 20(1)—Take over School Management—Writ Petition filed by petitioner to quash order passed by Lt. Governor—To take over School Management for two years—Three inspections of school—To conform to principles of natural justice—Petitioner's no right to close down School—Authorities to consider—Lt. Governor applied his mind to show cause notice, reply, etc.—Petitioner cannot question correctness of order by authorities—No undue delay in issuing show cause notice—Land granted by DDA at concessional rates to run School—Possibility of other purposes not ruled out—Impugned order to be confirmed.**

**Held:** There is no undue delay and whatever delay there was became necessary for carrying out the three inspections of the school so as to conform to principles of natural justice or meet the points raised by the petitioner.

**[\(Para 25\)](#)**

**Held further:** The petitioner does not have an absolute right to close down the scheme. It is for the authorities to consider whether having regard to the locality where the school is functioning and the needs of the residents of the area and having regard to the plight of the students and teachers to decide whether the management could be permitted to close down the school and it could be managed better and brought to normalcy and further improved.

**[\(Para 26\)](#)**

**Held further:** The principles of natural justice were meticulously followed and that the Lt. Governor applied his mind to the facts as contained in the show cause notice, the reply, the correspondence, the inspection reports etc. and arrived at the right conclusion that this school be taken over by the Government for 2 years under Section 20(1) of the Act.

**[\(Para 29\)](#)**

**Held further:** It is not permissible for the petitioner to question the correctness of the findings of fact arrived at by the authorities. There was abundant material before the authorities on the basis of which the said conclusions were arrived at.

**[\(Para 29\)](#)**

**Held further:** In a prime place like R.K. Puram in Delhi, there is sufficient demand for admissions as would be seen from the orders that we were required to pass from time to time. If indeed the admissions are allowed to be deliberately brought down by the petitioner and ultimately the school is closed, the prime possibility of use of land for other purposes cannot be ruled out. Land is granted by the DDA at concessional rates for running school. Therefore, the effort on the part of the Government in seeking to take over and improve the school have to be commended. We are, therefore, of the view that this is not, in any event, a fit case for interference.

[\(Para 33\)](#)

**Result: Writ Petition dismissed.**

**Cases referred:**

1. [Vol. 59 \(1995\) DLT. 482 \(DB\)](#) (Relied)
2. (1995) Suppl 2 SCC 535. (Relied)
3. 1971 (2) Del. 642. (Not applicable)

[\(Para 9, 30\)](#)

[\(Para 10\)](#)

[\(Para 26\)](#)

**Counsel for the Parties:**

For the Petitioner: **Mr. Madan Bhatia, Sr. Adv. & Mr. R.M. Sinha, Advocates.**

For the Respondents No.1 &2: **Mr. Aynish Ahlwat, Advocate.**

For the Intervenor in CM 6500/96: **Mr. G.L. Rawal, Advocate.**