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

+ W.P.(C) NO. 7454/2015 & CM No.13758/2015 (for directions)

MASTER SUBIN BABU ..... Petitioner  
Through: Mr. Shaji Sebastian, Adv.

Versus

GOVT. OF NCT OF DELHI & ORS ..... Respondents  
Through: Mr. Santosh Kumar Tripathi, Adv. for  
R-1&3.  
Mr. Amit Bansal and Ms. Seema  
Dolo, Advs. for R-2.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**

**ORDER**

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**31.08.2015**

1. The petitioner, a student of Class XI of the respondent No.4 Kerala Education Society Senior Secondary School, Shrimant Madhavrao Scindhia Marg, New Delhi 110 001, claims that though he was initially allocated subject stream Commerce with Mathematics but has subsequently been shifted to Commerce with Political Science. It is further the case of the petitioner that other students with CGPA in Class X lower than the petitioner have been allocated the Commerce with Mathematics stream.

2. Notice of the petition was issued.

3. The counsel for the respondent No.4 School and respondent No.5 Society running the respondent No.4 School, on 13<sup>th</sup> August, 2015, stated

that the petitioner as per his Class X marks did not qualify for admission to Commerce with Mathematics stream; however upon certain vacancies occurring in the said stream, those who were earlier not found eligible were given an opportunity to join, subject to passing the screening test; the petitioner however refused to take the said test.

4. I may in this regard notice that an option was given to the petitioner in this Court on 13<sup>th</sup> August, 2015, as also recorded in the order of that date, to take the screening test but did not opt therefor.

5. The respondents No.4&5 have since filed a counter affidavit on the same lines.

6. It has been enquired from the counsel for the petitioner, whether anybody with a CGPA lower than the petitioner in Class X has been admitted to the Commerce with Mathematics stream without taking the screening test.

7. The counsel for the petitioner is not able to answer in the affirmative.

8. The counsel for the petitioner has however contended that the respondent No.4 School is not entitled to take any screening test.

9. It was the contention of the counsel for Directorate of Education (DoE) of the Government of National Capital Territory of Delhi (GNCTD) on 13<sup>th</sup> August, 2015 (and as recorded in order of that day) that the minimum CGPA in Class X examination (prescribed vide Circular dated 28<sup>th</sup> May, 2012 regarding admission criteria for Class XI in Government / Government aided Schools) prescribed for admission to Commerce with Mathematics stream is of 6.6 with relaxation of one point for Scheduled Caste (SC) and thus, the petitioner, a SC, with CGPA of 6, is eligible for admission.

10. The counsel for the respondents No.4&5 School on enquiry states that the respondent No.4 School is an aided school. He however refers to a corrigendum dated 10<sup>th</sup> June, 2015 of the GNCTD instructing that the Management and Heads of Aided Schools can have their own criteria for admission in Class XI of Science / Commerce and other streams.

11. Else also, the question is no longer *res-integra* having been covered by the judgment of the Division Bench in *M.I. Hussain Vs. N. Singh* (2005) 125 DLT 223 followed in *Master Ankit Kumar Vs. Summer Fields School* 2010 VII AD (Del) 752.

12. The petitioner has not been able to make out a case of discrimination.

13. Dismissed.

No costs.

**RAJIV SAHAI ENDLAW, J.**

**AUGUST 31, 2015**

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