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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 1709/2016

SHIRISH TANDON

..... Petitioner

Through: Mr. Javed Khan, Advocate.

versus

DELHI PUBLIC SCHOOL & ANR

..... Respondents

Through: Mr. Puneet Mittal, Advocate with
Ms. Vasudha Bajaj, Advocate for
respondent No.1.

Ms. Isha Khanna, Advocate for
respondent No.2.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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29.02.2016

Present writ petition has been filed seeking a direction to the respondents to restore the admission of the minor, Ms. Devisha Tandon, after quashing the letter dated 05th February, 2016. Petitioner also seeks permission to allow the minor to appear in her 10th Class annual examination scheduled to be held in March, 2016.

Learned counsel for petitioner states that vide letter dated 05th February, 2016, respondent No.1 has removed the name of the petitioner's daughter from the rolls of the school on the ground of long absenteeism.

It has been averred that the petitioner's daughter, due to prolonged illness, could not attend her classes in the 10th class. It is further stated that

on 12th December, 2015, respondent-school accepted the fee for the period from January, 2016 to March, 2016 along with examination and other relevant charges.

Learned counsel for petitioner states that no opportunity of hearing was afforded to the petitioner before issuance of the impugned order dated 05th February, 2016.

On the other hand, learned counsel for respondent No.1, who appears on advance notice, states that petitioner's minor child has attended school only on 28 days out of 142 days. He states that the medical record furnished by the petitioner is for 25 days. Consequently, according to him, the norm of 75% attendance stipulated by CBSE has not met in the present case. Learned counsel for respondent No.1 also states that three show cause notices and twenty-four external MEMOs were issued to the petitioner.

Keeping in view the aforesaid fact of long absenteeism and no medical record having been annexed with the present writ petition, this Court is of the view that petitioner cannot be allowed to sit in the 10th Class examination scheduled to be held in the month of March, 2016.

Though this Court is of the view that there is gross suppression of fact in the present case, yet this Court would not like the minor to suffer for the same. Consequently, upon payment of Rs.50,000/- as costs to the Lok Nayak Hospital, Delhi, within a period of two weeks by the petitioner, this Court directs the respondent No.1-school to restore the admission of the minor child Ms. Devisha Tandon and allow her to attend 10th class in the next academic session commencing April, 2016 and permit her to take her 10th Class examination in the year 2017.

It is pertinent to mention that the petitioner, who appears in person, undertakes to this Court that the minor child shall regularly attend the school in the next academic year.

The statement made by petitioner is accepted by this Court and petitioner is held bound by the same.

In view of the aforesaid, present writ petition stands disposed of.

Order dasti.

MANMOHAN, J

FEBRUARY 29, 2016

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