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

+ **W.P.(C) 3376/2016 & C.M.No.14406/2016**

BABY AYESHA TAMIN

..... Petitioner

Through Mr.Apurb Lal with Ms.Meenu
Pandey, Advocates.

versus

DELHI PUBLIC SCHOOL AND ANR

..... Respondents

Through Mr.Puneet Mittal, Advocate with
Mr.Sachin Chaudhary, Advocates for
R-1.
Mr.Ankur Chhiber, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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28.04.2016

Present writ petition has been filed challenging the order dated 11th April, 2016, whereby the petitioner's name was directed to be struck off from the school roll as her admission is stated to have been obtained on fake and forged document.

Learned counsel for the petitioner states that petitioner's father was himself a victim of fraud prevalent in the office of Tehsildar/Executive Magistrate, Defence Colony, New Delhi. He further states that the petitioner's father has now obtained a fresh income certificate which establishes that the petitioner is entitled to admission under the EWS category as the income of petitioner's parents is less than Rs.1 lakh.

Learned counsel for the respondent-GNCTD states that recently the GNCTD has simplified the procedure for issuance of income certificate. He also states that the petitioner's father's new income

certificate upon verification has been found to be genuine.

Learned counsel for respondent no.1-school states that petitioner's EWS seat is still lying vacant.

As the issue involves the education of a child and a genuine as well as subsisting income certificate has been furnished and since no fault can be attributed to the child, this Court takes a lenient view and restores the admission of the minor petitioner subject to penalty of Rs.5,000/-. The amount shall be deposited with Lok Nayak Jai Prakash Hospital, Delhi within a period of two weeks.

This Court may mention that in the case of *Master Jai Raikwar and Ors. Vs. The Heritage School and Ors., W.P.(C) No.2219/2016*, it has allowed a similar writ petition.

This Court also directs that the petitioner shall be entitled to all the benefits/entitlements under the EWS category. However, this Court clarifies that it has not expressed any opinion with regard to the criminal proceedings.

With the aforesaid directions, the present writ petition and application are disposed of.

Order *dasti* under the signatures of the Court Master to all the parties.

MANMOHAN, J

APRIL 28, 2016
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