

\$~55

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

+ W.P.(C) 3490/2016 & C.M.No.14952/2016

DEZY (MINOR) THROUGH HER FATHER Petitioner

Through Mr.R.K.Saini with Ms.Minal Sehgal,
Advocates.

versus

APEEJAY SCHOOL AND ANR Respondents

Through Mr.Shubhankar Sen, Advocate for R-
1/School.
Mr.Rahul Sharma with Mr.Ankit Roy,
Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **02.05.2016**

Present writ petition has been filed challenging the expulsion letter dated 12th April, 2016, whereby the admission of the minor petitioner has been cancelled on the ground that the income certificate forwarded by his father was fake.

Learned counsel for petitioner states that even fresh income certificate dated 1st March, 2016 of the parents of the minor petitioner still discloses their actual income as less than Rs.1 lakh.

Learned counsel for the petitioner also relies upon the orders dated 21st January, 2016 and 26th February, 2016 passed by this Court in W.P.(C) 557/2016, wherein this Court directed the school authorities not to cancel the admissions of the minors on the ground of the misdeeds of their fathers.

Learned counsel for respondent no.1-School states that the seats in EWS category are still available with it and the minor petitioner can

be accommodated in the school. He further states that initial EWS certificate furnished by the petitioner was fake.

Learned standing counsel for GNCTD states that recently the GNCTD has simplified the procedure for issuance of an income certificate. He also confirms that the new valid income certificate is genuine. A copy of the certificate issued by the Tahsildar, Saraswati Vihar dated 29th April, 2016 has been handed over in Court. The same is taken on record.

As the issue involves the education of a minor and a genuine income certificate has subsequently been furnished and since no fault can be attributed to the minor, this Court takes a lenient view and directs that the admission of the minor petitioner be restored and not cancelled subject to a penalty of Rs. 5,000/- to be paid to 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.

Needless to say that the minor petitioner shall be entitled to all the benefits/entitlements under the said group. However, this Court clarifies that it has not expressed any opinion with regard to the criminal proceedings.

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

Order *dasti* under the Signatures of the Court Master.

MAY 02, 2016/KA

MANMOHAN, J