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

+ W.P.(C) 3547/2016 & CM APPL. 15219/2016

MASTER PINTO THROUGH FATHER

VINOD KUMAR AND ORS

..... Petitioners

Through

Mr. Khagesh B. Jha, Advocate

versus

BALVANTRAY MEHTA VIDYA BHAWAN

ANGURIDEVI SHERSINGH MEMORIAL

ACADEMY AND ANR

..... Respondents

Through

Mr. Shubhanshu Gupta, Proxy Counsel
for Mr. Anuj Aggarwal, ASC (Civil),
GNCTD with Mr. Anil Kumar Tripathi,
Principal for R-1.Mr. Anil Kumar Tripathi, Advocate for
R-2.**CORAM:****HON'BLE MR. JUSTICE MANMOHAN****ORDER**

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09.05.2016

Present writ petition has been filed challenging the expulsion letter dated 15th December, 2015 whereby the admission of the minor petitioners have been cancelled on the ground that the income certificates forwarded by their fathers were not genuine.

Mr. Khagesh B. Jha, learned counsel for petitioners states that even fresh subsisting income certificate of the parents of the minor petitioners show their actual income as less than Rs.1 lakh.

Mr. Jha 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.

Mr. A.K. Tripathi, Principal of respondent-School, who is personally present, states that the seats in EWS category are still available with it and the minor petitioners can be accommodated in the school.

Mr. Shubhanshu Gupta, learned counsel for respondent no. 2 states that recently the GNCTD has simplified the procedure for issuance of an income certificate. He also confirms that the fresh income certificates are valid and genuine.

As the issue involves the education of minors and genuine income certificates have subsequently been furnished and since no fault can be attributed to the minors, this Court takes a lenient view and directs that the admissions of the minor petitioners be restored and not cancelled subject to a penalty of Rs. 5,000/- to be paid by each petitioner 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 petitioners 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 application stand disposed of.

MANMOHAN, J

MAY 09, 2016

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