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

+ W.P.(C) 3679/2016 & CM APPL. 15754/2016

MASTER VANSI GUPTA
THROUGH FATHER KULDEEP KISHOR Petitioner
Through: Mr. Kagesh B. Jha, Advocate.

versus

BIRLA VIDYA NIKETAN SCHOOL
PUSHP VIHAR AND ANR Respondents
Through: Mr. Amit P. Deshpande, Advocate for
R-1.
Mr. Shatrajit Banerji, Advocate for Mr.
Gautam Narayan, ASC, GNCTD/R-2.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

% **ORDER**
05.05.2016

Present writ petition has been filed challenging the expulsion order dated 11th April, 2016 whereby the name of the minor petitioner has been struck off from the school record on the ground that the income certificate forwarded by his father was fake and forged.

Learned counsel for petitioner states that even fresh income certificate 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 the respondent-School states that the seats in EWS category are still available with and the minor petitioner can be accommodated in the school.

Learned senior 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. He has handed over today in Court a photocopy of letter dated 3rd May, 2016 written by the Tehsildar, Hauz Khas, New Delhi and 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 stands disposed of.

A copy of this order be given dasti under the signatures of the Court Master.

MANMOHAN, J

MAY 05, 2016/AMK