

\$~36

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

+ W.P.(C) 4036/2016 & C.M.No.16995/2016

DIYA AND ORS

..... Petitioners

Through Mr.Shiv Kumar Kohli, Advocate.

versus

THE POORNA PRAJNA PUBLIC SCHOOL AND ORS

..... Respondents

Through Mr.Kaustubh Singh, Advocate for R-1 & 2.
Mr.Gautam Narayan, ASC with
Ms.Shruthi Parasa, Advocate for R-3 & 4.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

%

25.05.2016

Present writ petition has been filed challenging the expulsion letters dated 19th March, 2016 whereby the admission of the minor petitioners has been cancelled on the ground that the income certificates forwarded by their parents could not be verified from the office of concerned SDM/Tehsildar.

Learned counsel for petitioners states that even fresh income certificates of the parents of the minor petitioners still disclose their actual income as less than Rs.1 lakh.

Learned counsel for the petitioners 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 it and the minor petitioners can be accommodated in the school.

Learned ASC for GNCTD states that recently the GNCTD has simplified the procedure for issuance of an income certificate. He also confirms that the new income certificates are genuine. He has handed over the verification reports issued by the Tehsildar/Executive Magistrate, Govt. of NCT of Delhi, Old Tehsil Building, Mehrauli as well as Executive Magistrate, Saket. The same are taken on record.

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/- each 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 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. Moreover, if the new income certificates furnished by the petitioners are found to be fictitious or not correct on any account, it shall be open to the respondents to cancel the admission

of the petitioners in accordance with law and no special equity shall be claimed by the petitioners by virtue of the present order.

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

Order *dasti* under the signatures of Court Master.

MANMOHAN, J

MAY 25, 2016
KA