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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 4151/2016 & CM APPLs. 17509-17510/2016

MASTER AAKASH KUMAR AND ORS Petitioners

Through Mr. Mukesh Gupta with Mr. C.K.
Bhatta, Advocates

versus

VASANT VALLEY SCHOOL AND ORS Respondents

Through Mr. Vedanta Varma, Advocate for
R-1.
Mr. Anuj Aggarwal, ASC (Civil) with
Mr. Shubhanshu Gupta, Advocate for
GNCTD.

WITH

+ W.P.(C) 4152/2016 & CM APPLs. 17511-17512/2016

MASTER Udit KUMAR BHARTI AND ORS Petitioners

Through Mr. Mukesh Gupta with Mr. C.K.
Bhatta, Advocates

versus

VASANT VALLEY SCHOOL AND ORS Respondents

Through Mr. Vedanta Varma, Advocate for
R-1.
Mr. Anuj Aggarwal, ASC (Civil) with
Mr. Shubhanshu Gupta, Advocate for
GNCTD.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

Signature Not Verified

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Certify that the digital and physical file have
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the physical file and no page is missing.

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ORDER
01.06.2016

At the outset, learned counsel for petitioners wishes to delete the petitioner nos. 3 and 5 in W.P.(C) 4151/2016 and petitioner no. 2 in W.P.(C) 4152/2016. Consequently, the said petitioners are deleted from the array of parties with liberty to said petitioners to file a fresh writ petition with proper documentations. Let an amended memo of parties be filed within two weeks

It is pertinent to mention that present writ petitions have been filed challenging the expulsion letters dated 23rd December, 2015 whereby the admissions of the minor petitioners have been cancelled on the ground that the income certificates forwarded by their parents were fake.

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 additional 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 income certificates are genuine. He has also

handed over today in Court copies of verification reports dated 17th May and 21st May, 2016, which are taken on record.

As the issue involves the education of minors and genuine income certificated have subsequently been furnished and since no fault can be attributed to the minors, this Court takes a lenient view and directs that the admission 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 petitioner by virtue of the present order.

With the aforesaid directions, present writ petitions stands disposed of.


MANMOHAN, J

JUNE 01, 2016

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