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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 4453/2016

MASTER JAHAN RATHORE

THROUGH HIS OTHER/NATURAL GUARDIAN

MS. RUBINA RATHORE

..... Petitioner

Through: Mr. Rajesh Raina, Advocate with
Ms. Rubina Rathore, mother of
petitioner.

versus

HONBLE LT. GOVERNOR, DELHI & ORS Respondents

Through: Mr. Shubhanshu Gupta, Advocate for
Mr. Anuj Aggarwal, Advocate for
GNCT of Delhi/respondents No.1 to 3.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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16.05.2016

CM Appl. 18592/2016 (Exemption) in W.P.(C) 4453/2016

Allowed, subject to just exceptions.

W.P.(C) 4453/2016

Present writ petition has been filed seeking a direction to respondent No.4-Principal and respondent No.5-School to give admission to petitioner in the Nursery Class in the academic session 2016-17.

It has been averred in the petition that though petitioner was declared successful for admission in the second list for Nursery Class in the respondent No.5-school and petitioner's mother gave a written undertaking

dated 03rd February, 2016 that she is separated from her husband and petitioner was in her custody, yet respondent No.5-school has denied admission on the ground that there is a dispute between the parents over the custody of the petitioner.

Learned counsel for petitioner states that despite legal notice and representation to all the respondents, no reply has been received till date.

Consequently, present writ petition is disposed of with a direction to respondent No.3-Directorate of Education to treat the present writ petition as a representation and decide the same by way of a reasoned order within a period of four weeks.

Before passing the order, the Directorate of Education shall give an opportunity of hearing to the petitioner or her authorised representative as well as to respondent No.5-School.

In fact, this Court is of the opinion that a policy decision is required to be taken by the Directorate of Education because even if there are disputes between the husband and wife, the minor child cannot be denied admission to a school. This aspect shall also be kept in mind while passing the order by Directorate of Education.

Order dasti.

MANMOHAN, J

MAY 16, 2016

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