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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 4310/2016 & CM APPLs. 18147/2016

BABY PURVI VASHIST (MINOR) Petitioner

Through Ms. Anamika Ghai with Mr. Manish
Kumar and Mr. Pulkit Chaudhry,
Advocates

versus

DELHI PUBLIC SCHOOL & ANR Respondents

Through Mr. ..., Advocate for R-1.
Mr. Santosh Kumar Tripathi, ASC
(Civil), GNCTD for R-2.

AND

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W.P.(C) 4311/2016 & CM APPL. 18149/2016

BABY DISHA GUPTA (MINOR) Petitioner

Through Ms. Anamika Ghai with Mr. Manish
Kumar and Mr. Pulkit Chaudhry,
Advocates

versus

DELHI PUBLIC SCHOOL & ANR Respondents

Through Mr. ..., Advocate for R-1.
Mr. Santosh Kumar Tripathi, ASC
(Civil), GNCTD for R-2.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

Signature Not Verified

Signing Date: 03.10.2024 17:11:32
Certify that the digital and physical file have
been compared and the digital data is as per
the physical file and no page is missing.

ORDER
25.05.2016

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Present writ petitions have been filed challenging the letters dated 22nd April, 2016 whereby names of the minor petitioners have been struck off from the School roll on the ground that the income certificates forwarded by their parents were fake and forged.

Learned counsel for petitioners states that even fresh income certificates of the parents of the minor petitioners still disclose their actual incomes 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 valid income certificates are genuine. He has today in Court handed over verification reports issued by the Executive Magistrate, Defence Colony. The same are taken on record.

As the issue involves the education of the minors and the 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 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 minor petitioners and no special equity shall be claimed by the petitioners by virtue of the present order.

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



MANMOHAN, J

MAY 25, 2016

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