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

+ W.P.(C) 4412/2016 & C.M.No.18466/2016

MOHD. KAMIL Petitioner

Through Mr.Haneef Mohammad, Advocate.

versus

STATE OF NCT DELHI & ORS Respondents

Through Mr.Santosh Kumar Tripathi, ASC for
R-1 & 2/GNCTD.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **16.05.2016**

Present writ petition has been filed seeking a direction to respondent no. 3-school to grant admission to petitioner's son after considering the points obtained by him as per admission rules and guidelines issued by Directorate of Education.

It has been averred in the petition that petitioner applied for admission of his second child in pre-school with respondent no.3-school and as per the school points system, petitioner's child was entitled to 70 points i.e. 50 points for neighbourhood and 20 points for siblings.

Learned counsel for the petitioner states that name of petitioner's son was not included in the list of eligible candidates for admission in pre-school 2016-17 even though the candidates with lower points have been granted admission.

However, a perusal of the paper book reveals that the petitioner has not made any prior representation to the respondent no.2-

Directorate of Education. After all, a writ petition is maintainable only against inaction of a statutory authority.

Consequently, the present writ petition is disposed of with liberty to the petitioner to file a representation with respondent no.2-Directorate of Education within a period of one week. In the event, such a representation is filed, the Directorate of Education is directed to investigate the matter and pass a reasoned order, after giving an opportunity of hearing to the petitioner as well as respondent no.3-school.

In the event, the petitioner is aggrieved by the order of Directorate of Education, he shall be at liberty to file an appropriate proceeding in accordance with the law.

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

This Court however clarifies that it has not expressed any opinion on the merits of the controversy. The rights and contentions of all the parties are left open.

Order *dasti*.

MANMOHAN, J

MAY 16, 2016
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