

\$~46

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

+ W.P.(C) 4565/2016 & C.M.No.19048/2016

MASTER YUGAL SHARMA (MINOR) THROUGH FATHER
NITIN SHARMA Petitioner
Through Mr.Khagesh B.Jha, Advocate.

versus

DELHI PUBLIC SCHOOL & ANR Respondents
Through Mr.Puneet Mittal with Ms.Vasudha
Bajaj, Advocates for R-1.
Mr.Gautam Narayan, ASC with
Ms.Shruthi Parasa, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **25.05.2016**

Present writ petition has been filed challenging the show cause notice dated 08th April, 2016 and cancellation letter dated 11th April, 2016 whereby the name of the minor petitioner was struck off from the rolls of the school on the ground that the income certificate forwarded by his parents was fake and forged.

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

Learned counsel for the petitioner 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 petitioner 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 certificate is genuine. He has handed over a verification report issued by the Executive Magistrate, Defence Colony and the same is taken on record.

As the issue involves the education of a minor and a genuine income certificate has subsequently been furnished and since no fault can be attributed to the minor, this Court takes a lenient view and directs that the admissions of the minor petitioner be restored and not cancelled subject to a penalty of Rs. 5,000/- 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 petitioner 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 certificate furnished by the petitioner is found to be fictitious or not correct on any account, it shall be open to the respondents to cancel the admission of

the petitioner 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 petition and the application stand disposed of.

Order *dasti* under the signatures of Court Master.

MANMOHAN, J

MAY 25, 2016
KA