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

+ **W.P.(C) 4728/2016 & C.M.No.19766/2016**

MASTER YASHMIT THR FATHER RAJESH KUMAR

..... Petitioner

Through **Mr.Khagesh B.Jha, Advocate.**

versus

BIRLA VIDYA NIKETAN AND ANR

..... Respondents

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

+ **W.P.(C) 4751/2016 & C.M.No.19829/2016**

TANU PANDEY THR FATHER KAMLESH KUMAR PANDEY

..... Petitioner

Through **Mr.Khagesh B.Jha, Advocate.**

versus

BIRLA VIDYA NIKETAN AND ANR

..... Respondents

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

+ **W.P.(C) 4739/2016 & C.M.No.19788/2016**

MASTER ANANT (MINOR) THR FATHER NARENDER

..... Petitioner

Through **Mr.Khagesh B.Jha, Advocate.**

versus

BIRLA VIDYA NIKETAN AND ANR

..... Respondents

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

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CORAM:
HON'BLE MR. JUSTICE MANMOHAN

ORDER
% 25.05.2016

Present writ petitions have been filed challenging the cancellation letters dated 14th April, 2016 whereby the admission of minor petitioners were cancelled on the ground that income certificates forwarded by their parents were not genuine.

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 petitioner has handed over an affidavit of service which states that respondent no.1-School has been served. As despite service, none has appeared for respondent no.1-School, it is proceeded ex parte.

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 certificates are genuine.

As the issue involves the education of minors and genuine income certificates have subsequently been furnished and since no fault can be attributed to the minors, this Court takes a lenient view and

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directs that the admissions 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 certificate 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 petitioners by virtue of the present order.

With the aforesaid directions, present writ petitions and the applications stand disposed of.

Order *dasti* under the signatures of Court Master.

MAY 25, 2016
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MANMOHAN, J