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

+ W.P.(C) 4850/2016 & C.M.No.20241/2016

MASTER HIMANSHU (MINOR) THR FATHER SATPAL SINGH

..... 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.
Ms.Renu Chauhan, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **01.06.2016**

Present writ petition has been filed challenging the show cause notice dated 08th April, 2016 and cancellation letter dated 12th April, 2016 whereby the name of the minor petitioner has been struck off from the school rolls on the ground that the income certificate forwarded by his parents was fake and forged.

It has been averred in the petition that petitioner belongs to EWS and his parents hold a valid food security card which is an admissible document as income proof.

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 counsel for GNCTD states that the Food Security Card of petitioner's parents is genuine. She has handed over a verification report issued by Food and Supply Officer, Mehrauli and the same is taken on record.

As the issue involves the education of a minor and a genuine Food Security card has 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 food security card 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*.

MANMOHAN, J

JUNE 01, 2016
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