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

+ W.P.(C) 5213/2016 & C.M.No.21658/2016

MS. TANVI GODAR (MINOR) THROUGH THEIR FATHER'S &
ORS Petitioners

Through Mr.Jasmeet Singh with Mr.Sunil
Kumar and Ms.Astha Sharma,
Advocates.

versus

CHINMAYA VIDYALAYA & ORS Respondents

Through Mr.Kapil Gupta, Advocate for R-1.
Mr.S.K.Sethi with Ms.Doly Sharma,
Advocates for R- 2 & 3.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **01.06.2016**

At the outset, learned counsel for the petitioners wishes to delete petitioner no.7 from the array of parties. Consequently, petitioner no.7 is deleted from the array of parties. Let an amended memo of parties be filed during the course of the day.

It is pertinent to mention that present writ petition has been filed challenging the cancellation letters dated 4th March, 2016, whereby admission of a minor petitioners has been cancelled 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 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 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 income certificates are genuine. He has handed over a verification report dated 31st May, 2016 qua petitioner nos. 1 to 6 and 8 to 9 issued by the Executive Magistrate, Vasant Vihar and the same is taken on record.

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 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 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 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 petition and the application stand disposed of.

Order *dasti*.

MANMOHAN, J

JUNE 01, 2016
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