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

+ **W.P.(C) 3435/2015**

MASTER ABHINAV CHAWLA & ANOTHER Petitioners

Through: Mr. D'Souza Philip, Adv.

Versus

CHAIRMAN PRESIDIUM SR. SEC.

SCHOOL & ANR

..... Respondents

Through: Ms. Suman Malhotra, Adv. for R-1
Ms. Isha Khanna, Adv. for R-2
Dr. D.S. Kunwar, DEO, Zone – 21,
Deptt. of Education

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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29.08.2016

The present petition has been filed seeking a direction to the respondents to continue with the education of the petitioners free of charge/school fees and further to put the petitioners in economical weaker section.

The petitioners were admitted in the general category in the respondent school. Subsequent to the admission of the petitioners on account of matrimonial dispute between the parents of the petitioners, the petitioners are now being looked after by their mother. It is contended that the mother of the petitioners qualifies the criteria for seeking admission of the petitioners under the category of economical weaker section. Income certificates dated 18.10.2015 and 09.05.2016 have been filed. The said certificates have been verified by the respondent no. 2 who has filed the status report certifying that the certificates have been issued by the office of the Sub Divisional Magistrate, Patel Nagar, New Delhi.

Learned counsel appearing for respondent no. 1 school submits that in the peculiar facts and circumstances of the case, the respondent school is ready to continue with the education of the petitioner in their school under the category of economical weaker section till the time the petitioners fulfil the criteria and conditions as laid down by the Government. He submits that if the matrimonial dispute between the parents of the petitioners is resolved or the petitioners get maintenance from their father which takes the income of the mother of the petitioners beyond the stipulated limit in the category, the petitioners would be obliged to pay the regular fees.

Learned counsel for the petitioners under instructions from the mother of the petitioners submits that in case any maintenance is received by the mother for the children/petitioners which takes the income beyond the stipulated limit, she shall inform the school and start paying the fees at the regular rates.

In view of the above and taking the statement of the respondent no. 1 school on record, the respondent no. 1 school is directed to continue with the education of the petitioners now in the category of economical weaker section. The mother of the petitioners shall intimate the respondents in case of any change in the circumstances and in case maintenance is received by the mother from the father, she shall pay appropriate fees accordingly.

This court appreciates the gesture shown by the respondent school in taking a sympathetic view, in the peculiar facts and circumstances of the case.

The writ petition is disposed of in the above terms.

SANJEEV SACHDEVA, J

AUGUST 29, 2016

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