

\$~41

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% Judgment delivered on: 14.07.2016

+ **W.P.(C) 5861/2016**

**MASTER PIYUSH YADAV THR HIS NEXT FRIEND
AND NATURAL FATHER SH. DAL BAHADUR** Petitioner

versus

DELHI PUBLIC SCHOOL & ORS. Respondents

Advocates who appeared in this case:

For the Petitioner : Mr Ashok Agarwal and Mr Khagesh B.Jha.
For the Respondents : Mr Puneet Mittal, Mr Amitej Kumar Nagar,
Ms Vasudha Bajaj and Mr R.P.Singh for R-1.
Mr Gautam Narayan and Ms Shruthi Parasa,
Advocate for R-3/Directorate of Education.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA
JUDGMENT

SANJEEV SACHDEVA, J (ORAL)

W.P.(C) 5861/2016& CM No.24162/2016(interim relief)

1. Petitioner had been admitted in the respondent – School under the category “Economically Weaker Section (EWS)” in class Nursery in Academic Session 2012-2013. The admission was granted to the petitioner in the said category as the petitioner’s father had produced the Income Certificate dated 11.01.2012. The certificate was found to be not genuine. The father of the petitioner withdrew the petitioner from the School by writing a withdrawal letter. It is contended by the petitioner that the father was forced by the School authorities to withdraw the admission. This fact is denied by the learned counsel appearing for the

School, who contends that the father had voluntarily withdrawn the petitioner from the School and he not forced to do so.

2. Learned counsel for the petitioner contends that the income of the parents of the petitioner is less than Rs. One lakh per annum which is below the prescribed limit for the Economically Weaker Section (EWS) category. Fresh certificate dated 12.05.2016 has been filed along with the petition. The respondent no. 2 was directed to verify the correctness of the certificate. Learned counsel for respondent no. 2 has produced a copy of the certificate endorsed by the Tehsildar on 13.07.2016 certifying that the certificate has been issued. The same is taken on record.

3. The Fresh Income Certificate produced shows that the petitioner is still entitled under the EWS category.

4. Learned counsel for the petitioner relies on various judgments passed by this Court in similar circumstances whereby the school authorities were directed not to cancel the admission of the minor child on the ground of misdeeds of the father of the child. Learned counsel for the respondent school states that the seats in EWS category are still available. One such Judgment relied upon is dated 22.03.2016 in W.P.(C) 2219/2016, titled as **'Master Jai Raikwar & Ors. Vs. The Heritage School & Ors.'**

5. As the issue involves the education of a minor and the minor falls in the eligible category and an income certificate certifying the said fact has been furnished and no fault can be attributed to the minor, in the facts of the case, a lenient view is required to be taken.

6. Since the petitioner is still eligible under the EWS category, the petitioner is given an opportunity to apply afresh to the School in the said category. It is contended by learned counsel for the petitioner that on 05.07.2016, an application has already been filed with the respondent School seeking fresh admission in class III under the EWS category.

7. The respondent – School is directed to decide the said application within a period of two weeks.

8. The writ petition is accordingly disposed of in the above terms.

Dasti under signatures of the Court Master.

JULY 14, 2016
‘sn’

SANJEEV SACHDEVA, J

