

\$~30

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

% Judgment delivered on: 25.07.2016

+ **W.P.(C) 5972/2016**

BHAVYA KUMAR

..... Petitioner

versus

**MANAV BHARATI INDIA INTERNATIONAL SCHOOL &
ANR.**

..... Respondents

Advocates who appeared in this case:

For the Petitioner	:	Mr Shubhankar Jha.
For the Respondents	:	Mr R.K.Vats for R-1. Mr Rajat Malhotra for R-2.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

15.07.2016

SANJEEV SACHDEVA, J. (ORAL)

1. The present writ petition has been filed seeking a mandamus to the respondent/School to permit the petitioner to continue her studies in the respondent/School. Learned counsel for the respondent submits that the name of the petitioner has not yet been struck off from the School.

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 income certificates for each of the petitioner have been filed along with the petition. Learned counsel for respondent No.2 has produced a copy of the certificate issued by the Tehsildar (Hauz Khas), Delhi confirming that the certificates have has been issued. The same is

taken on record.

3. 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 children on the ground of misdeeds of the fathers of the children. 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.'

4. As the issue involves the education of minors and the minors fall in the eligible category and income certificates certifying the said fact have been furnished and no fault can be attributed to the minors, in the facts of the case, a lenient view is required to be taken. It is thus directed that the admission of the petitioner be restored and not cancelled, subject to deposit of penalty of Rs. 5,000/- by the respective fathers of each of the petitioner with the Lok Nayak Jai Prakash Hospital, Delhi within two weeks. The hospital shall utilize the amount for providing treatment to the persons falling under the EWS category.

5. The petitioner shall also be entitled to all the benefits/entitlements under the said category.

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

7. It is clarified that if the new income certificates furnished are 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.

8. It is also clarified that no opinion is expressed with regard to the criminal proceedings.

Dasti under the signatures of the Court Master.

JULY 22, 2016
‘sn’

SANJEEV SACHDEVA, J

