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

% Judgment delivered on: 15.07.2016

+ **W.P.(C) 5990/2016**

DIYA SUDHIR KUMAR (MINOR) & ORS. Petitioners

versus

CHINMAYA VIDYALAYA & ORS. Respondents

Advocates who appeared in this case:

For the Petitioners : Ms Madhavi Khare and Mr Sushil Kumar.
For the Respondents : Ms Meenakshi Midha, Advocate for R-2 & 3.
Mr Krishnan Raju Nair, School Administrator, Authorized Representative of R-1.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT
15.07.2016

SANJEEV SACHDEVA, J. (ORAL)

CM No.24643/2016(exemption)

Allowed, subject to all just exceptions.

W.P.(C) 5990/2016 & CM No. 24642/2016 (stay)

1. The present writ petition has been filed seeking quashing of letter dated 04.03.2016 whereby the admission of the petitioners has been cancelled and names of the petitioners have been struck off from the rolls of the school on the ground that income certificates furnished at the time of seeking admission was fake and forged.

2. Learned counsel for the petitioners contends that the income of the

parents of the petitioners 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 petitioners have been filed along with the petition. Learned counsel for respondent No.2 has produced a copy of the certificate issued by the Tehsildar (Vasant Vihar), Delhi confirming that the certificates have been issued. The same is taken on record.

5. Learned counsel for the petitioners 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.’**.

6. 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 petitioners be restored and not cancelled, subject to deposit of penalty of Rs. 5,000/- by the respective fathers of each of the petitioners 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.

7. The petitioners shall also be entitled to all the benefits/entitlements under the said category.

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

9. 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 petitioners in accordance with law and no special equity shall be claimed by the petitioners by virtue of the present order.

Dasti under the signatures of the Court Master.

JULY 15, 2016
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SANJEEV SACHDEVA, J

