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

% Judgment delivered on: 25.07.2016

+ **W.P.(C) 6037/2016 & CM No.24846/2016 (stay)**

GITIKA GOEL

..... Petitioner

versus

DAV PUBLIC SCHOOL & ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioners	:	Mr. Jugal Bagga, Advocate.
For the Respondents	:	Mr. Dharampal, Sr. Assistant from respondent No.1 school in person.
		Mr. Sandeep Kapoor, Advocate for respondent No.2.
		Mr. Shadan Farasat with Mr. Ahmed Said, Advocates for respondent Nos.3 and 4.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

25.07.2016

SANJEEV SACHDEVA, J. (ORAL)

1. Learned counsel for the petitioner submits that the petitioner spells her surname as "Goyal" with the full name as "Gitika Goyal". The statement is taken on record.
2. The present writ petition has been filed seeking quashing of letter dated 08.03.2016 whereby the admission of the petitioner has been cancelled and name of the petitioner has been struck off from the rolls of the school on the ground that income certificate furnished at the time of seeking admission was fake and forged.

3. 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. Learned counsel for the petitioner submits that copy of the income certificate was filed in the Registry vide diary No.176350/2016 dated 18.07.2016. The same is not on record. The Registry is directed to place the same on record. Learned counsel for respondent Nos.3 and 4 has produced a copy of the e-mail issued by Sub Divisional Magistrate, Rohini confirming that the certificate is valid and the same has been issued. The same is taken on record.

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 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.'**

5. As the issue involves the education of minor and the minor falls in the eligible category and 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. 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 father 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.

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

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

8. It is clarified that if the new income certificate furnished is 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 petitioners by virtue of the present order.

Dasti under the signatures of the Court Master.

JULY 25, 2016
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SANJEEV SACHDEVA, J