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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% Judgment delivered on: 27.07.2016

+ **W.P.(C) 6245/2016**

MASTER YOGESH KUMAR THR. FATHER MANOJ Petitioner

versus

DELHI PUBLIC SCHOOL & ORS. Respondents

Advocates who appeared in this case:

For the Petitioner : Mr Khagesh B.Jha, Adv.
For the Respondents : Ms Vasudha Bajaj, Adv. for R-1.
Ms. Prabhsahany Kaur, Adv. for GNCTD.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J (ORAL)

W.P.(C) 6245/2016& CM No. 25587/2016 (interim relief)

1. Petitioner had been admitted in the respondent – School under the category “Economically Weaker Section (EWS)”. 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 counsel for 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 This fact is denied by the learned counsel appearing for the School, who contends that the father had voluntarily withdrawn the petitioner from the School and he not forced to do so.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 05.05.2016 has been filed along with the petition. The respondent no. 2 was directed to verify the correctness of the certificate. Respondent no. 2 has verified the certificate and has filed the verified certificate 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. In similar circumstances, relief has been granted by this court in the case of Master Jai Raikwar & Ors.(Supra) and several other writ petitions.

6. It is thus directed that the admission of the petitioner be restored and not cancelled, subject to deposit of a 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.

7. The petitioner shall also be entitled to all the benefits/entitlements under the said category. The writ petition is accordingly disposed of in the above terms.

8. However, it is clarified that no opinion has been expressed with regard to the criminal proceedings. It is further clarified that if the new income certificate furnished by the petitioner 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 petitioner by virtue of the present order.

Dasti under the signatures of the Court Master.

JULY 27, 2016
'rs'

SANJEEV SACHDEVA, J