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

% Judgment delivered on: 27.07.2016

+ **W.P.(C) 6240/2016 & CM No. 25582/2016**

**PRINCE KUMAR MAHATO THR FATHER
PANKAJ KUMAR MAHATO**

..... Petitioner

versus

**DAV PUBLIC SCHOOL JASOLA
VIHAR AND ANR.**

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. S.N. Parashar, Adv.
For the Respondents : Mr Jeevan Singh Bisht, Superintendent –DAV
Public School/R-1
Ms. Meenakshi Midha, Adv. for R-2

**CORAM:-
HON'BLE MR JUSTICE SANJEEV SACHDEVA**

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The present writ petition has been filed seeking quashing of letter dated 03.05.2016 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.

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 14.05.2016 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 certificate of verification and authenticity certifying that the certificate has been issued by the Tehsildar, Sarita Vihar, New Delhi.

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 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.'**

4. 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.

5. 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.

6. 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.

7. 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

