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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6365/2016 & CM No.26082/2016 (stay)**

**ACHAL MANCHANDA (MINOR) THR HIS FATHER AND
NATURAL GUARDIAN RAMIT MANCHANDA Petitioner**
Through Mr. Sourabh Ahuja, Advocate.

versus

GNCT OF DELHI AND ORS Respondents
Through Mr. Gautam Narayan, Advocate for
respondent No.1.
Mr. Abhinav Vashist, Sr. Advocate
with Mr. B.B. Mahajan, Advocates
for respondent Nos.4 to 6.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **19.08.2016**

The petitioner has filed the present petition seeking setting aside of order dated 20.06.2016 whereby the petitioner was required to take a transfer certificate from the respondent No.5 school.

Certain allegations were raised against the petitioner with regard to an incident, which is alleged to have happened on a school trip. The petitioner denied the allegations and contended that the petitioner was never involved in any such incident.

During hearing of the present petition, it was felt that on one side there is the character and dignity of the petitioner student (a child aged fourteen) and on the other the discipline of the respondent School and a decision rendered on merits would affect either of the two. Thus both parties were asked to mediate and amicably resolve

the issues.

Learned counsel for the parties also appreciated this aspect and both parties came forward and agreed to settle the matter so that neither the dignity and honour of the petitioner child nor the discipline of the School is compromised.

The petitioner as well as the respondent Nos.4, 5 and 6 have, thus, agreed to the following:-

- (1) all allegations and aspersions against the petitioner stand unconditionally withdrawn;
- (2) the petitioner with full dignity and honour seeks a transfer to Bal Bharti Public School, Rohini, which is also run and managed by respondent No.4 Society;
- (3) the petitioner shall be given admission in the Bal Bharti Public School, Rohini;
- (4) the parents of the petitioner shall pay the appropriate fee and other charges as per the norms of Bal Bharti Public School, Rohini. In case any adjustment/refund is required to be done by the respondent No.5 School, the same shall be appropriately done;
- (5) the father of the petitioner, who is present in Court, undertakes that he shall seek a transfer of the petitioner from the Rohini School on the petitioner completing his Class X. He undertakes that he shall not seek readmission in the Bal Bharti Public schools at Rohini or Ganga Ram Hospital Marg or any other school being run/managed by the respondent No.4 Society;
- (6) the School/Society shall issue a transfer certificate on the petitioner completing Class X and shall not be, in any manner, liable or responsible for facilitating the petitioner to seek admission in any other school/society;
- (7) the petitioner, on joining the Rohini School, shall abide by the

rules and regulations prescribed by the said school.

- (8) the proceedings and action taken by the respondents insofar as they relate to the petitioner shall not be made public and shall be kept strictly confidential.

This Court appreciates the gesture shown by the petitioner, his father as well as the Principal of the respondent School.

It is clarified that this order has been passed in the peculiar facts and circumstances of the case and would not be treated as a precedent.

The petitioner shall issue the transfer certificate tomorrow i.e. 20.08.2016 so that the petitioner can report to the Rohini School on Monday i.e. 22.08.2016 for joining. On petitioner completing all formalities at the Rohini School, the respondents shall not deny him admission and shall treat him as they treat the other students of the school.

The period of suspension, insofar as the petitioner is concerned, between 03.05.2016 till date shall be waived for the purposes of computing the attendance requirement. However, the respondent Nos.4 to 6 shall ensure that the petitioner is provided sufficient extra classes so that the studies that the petitioner has missed can be covered up.

The petition is, accordingly, disposed of.

Dasti under the signatures of the Court Master.

AUGUST 19, 2016/st

SANJEEV SACHDEVA, J