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

% Judgment delivered on: 02.08.2016

+ W.P.(C) 6339/2016 & CM No.26002/2016 (stay)

NIKHIL (MINOR) THROUGH HIS FATHER SATISH

.....Petitioner

versus

CHINMAYA VIDYALAYA & ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioner :Mr. B.K. Jha with Ms. Omika Dubey, Mr. Alok K. Rai and Mr. Vijay Jha, Advocates

For the Respondents : Mr Santosh Kumar Tripathi, Advocates for R-2.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

02.08.2016

SANJEEV SACHDEVA, J. (ORAL)

1. The present petition has been filed seeking quashing of letter dated 04.03.2016 whereby the father of the petitioner was required to show cause as to why appropriate action be not taken for cancellation of the admission of the petitioner since the caste certificate submitted was not issued by the Revenue Department/Govt. of NCT of Delhi.
2. It is contended by the petitioner that the petitioner belongs to

Valmiki Caste of Uttar Pradesh and had submitted a certificate issued by the revenue authorities at Sahsuan, District Badiyun to the mother of the petitioner. It is submitted that the said certificate is valid under the rules. Alternatively, it is contended that the petitioner is also eligible under the Economically Weaker Section (EWS) category since the income of the parents of the petitioner is Rs.60,000/-. Income certificate dated 22.03.2016 has been filed alongwith the petition. The respondent No.2 was directed to verify the income certificate. A certificate of verification issued by Tehsildar dated 29.07.2016 has been produced confirming that the income certificate has been verified. The said verification certificate is taken on record.

3. The learned counsel for the respondent No.2, Govt. of NCT of Delhi submits that since the parents of the petitioner qualify under the EWS category, the petitioner can be permitted to continue in the same school under the EWS category.

4. Without going into the validity or otherwise of the caste certificate submitted by the petitioner, in view of the fact that the petitioner qualifies under the EWS category also, it is directed that the admission of the petitioner be not cancelled and the petitioner is entitled to continue in the

said school under the EWS category.

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

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

7. It is clarified that if the new income certificate furnished by the petitioner is not found to be correct on any account, it shall be open to the respondents to take appropriate action in accordance with law.

Dasti under the signatures of the Court Master.

AUGUST 02, 2016/st

SANJEEV SACHDEVA, J