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

% Judgment delivered on: 28.07.2016

+ W.P.(C) 6397/2016 & CM No. 26195/2016

MASTER VINIT KUMAR MISHRA (MINOR)
THROUGH HIS NEXT FRIEND AND NATURAL
FATHER MRITYUNJAY MISHRA

..... Petitioner

versus

ST. GIRI PUBLIC SCHOOL & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner

:Mr Khagesh B. Jha, Advocate

For the Respondents

: Mr. Sandeep Sharma, Advocate for R-1
Mr Tanveer Alam, LA-Zone 29, DOE/R-2.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The present writ petition has been filed seeking a direction to the respondent school to accept the current income certificate as income proof and to allow the petitioner to be admitted in the respondent school under the EWS category. It is contended that the admission of the petitioner is sought to be cancelled on the ground of alleged fake income certificate submitted at the time of admission.

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 29.03.2016 has been filed along with the petition. The respondent no. 2 was directed to verify the correctness of the certificate. Learned counsel for the respondent-Directorate of Education submits that the income certificate has been duly verified through online process and has been confirmed to be issued by the office of Tehsildar, Sarita Vihar, Delhi. The copy of the certificate with the endorsement is taken on record.

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. 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.

5. 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.

6. It is 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 28, 2016
‘rs’

SANJEEV SACHDEVA, J

