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

% Judgment delivered on: 03.08.2016

+ W.P.(C) 6407/2016 & CM No.26255/2016 (stay)

ROSHNI KORI (MINOR) AND ORS THR THEIR FATHERS

..... Petitioners

versus

CHINMAYA VIDYALAYA AND ORS

..... Respondent

Advocates who appeared in this case:

For the Petitioner :Ms. Madhavi Khare with Mr. Sushil Kumar, Advocates

For the Respondents : Mr. Krishnan Raju Nair, School Administrator from respondent No.1.
Mr. Siddharth Dutta, Advocate for respondent Nos.2-4.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

03.08.2016

SANJEEV SACHDEVA, J. (ORAL)

1. The present writ petition has been filed seeking quashing of letter dated 04.03.2016 whereby the admission of the petitioners has been cancelled and name of the petitioners 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 petitioners contends that the income of the respective parents of the petitioners is less than Rs. One lakh per annum which is below the prescribed limit for the Economically Weaker Section

(EWS) category. Fresh certificates dated 17.03.2016, 04.07.2016 and 10.03.2016 have been produced by the petitioner Nos.1, 2 and 3 respectively. Learned counsel for the respondent No.2 has produced an online verification report of the said certificates. The said report is taken on record.

3. Learned counsel for the petitioners 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 petitioners be restored and not cancelled, subject to deposit of a penalty of Rs. 5,000/- by the respective fathers of the petitioners 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 petitioners 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 petitioners is found to be fictitious or not correct on any account, it shall be open to the respondents to cancel the admission of the said petitioner in accordance with law and no special equity shall be claimed by the said petitioner by virtue of the present order.

Dasti under the signatures of the Court Master.

August 03, 2016
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SANJEEV SACHDEVA, J

