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

% Judgment delivered on: 30.08.2016

+ W.P.(C) 6536/2016

VIJAY KUMAR

..... Petitioner

versus

DELHI PUBLIC SCHOOL & ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Rakesh Gosain with Mr. Nipun Bhardwaj and Mr. Pankaj Bhardwaj, Advocates.
For the Respondents : Mr. Amitej Kumar Nagar, Advocate for respondent No.1.
Mr. Rahul Sharma with C.K. Bhatt, Advocate for respondent Nos.2 and 3.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

30.08.2016

SANJEEV SACHDEVA, J. (ORAL)

1. Learned counsel for the petitioner has produced a copy of the income certificate dated 17.08.2016. Copy of the income certificate dated 17.08.2016 was earlier furnished to the counsel for the respondent No.2. Copy of the certificate is taken on record.

2. The present writ petition has been filed seeking quashing of letter dated 11.04.2016 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.

3. 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. The respondent no. 2 was directed to verify the correctness of the certificate. Learned counsel for respondent no. 2 has produced a copy of the certificate with an endorsement by the office of Tehsildar/Executive Magistrate, Hauz Khas certifying that the certificate has been issued by the said office. The copy of the certificate with the endorsement is taken on record.

4. 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.’**.

5. 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.

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. 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.

AUGUST 30, 2016
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SANJEEV SACHDEVA, J

