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

% Judgment delivered on: 19.08.2016

+ **W.P.(C) 7036/2016**

BABY DIVYANSHI BISHT & ORS. Petitioners

versus

VASANT VALLEY SCHOOL & ORS. Respondents

Advocates who appeared in this case:

For the Petitioners :Mr Varun for Mr Mukesh Gupta

For the Respondents : Mr. Vedanta Varma and Mr Vibhor Kush for R-1.
Mr. Peeyoosh Kalraa

**CORAM:-
HON'BLE MR JUSTICE SANJEEV SACHDEVA**

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

W.P.(C) 7036/2016 & CM No.28953/2016(interim direction)

1. The present writ petition has been filed seeking quashing of letter dated 23.12.2015 whereby the admission of the petitioners has been cancelled and names of the petitioners have been struck off from the rolls of the school on the ground that income certificates furnished at the time of seeking admission was fake and forged.

2. Learned counsel for the petitioners contends that the income of the 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 21.06.2016, 01.07.2016 and 30.06.2016 have been filed by the petitioners 1, 2 & 3 respectively along with the petition. The respondent no. 2 was directed to verify the correctness of the certificates. The verification report of the income certificates has already been filed by the respondents, who have verified the certificates.

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 father 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 petitioners in accordance with law and no special equity shall be claimed by the petitioners by virtue of the present order.

Dasti under the signatures of the Court Master.

AUGUST 19, 2016
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SANJEEV SACHDEVA, J

