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

% Judgment delivered on: 22.08.2016

+ W.P.(C) 7317/2016

SHUBHAM MISHRA

..... Petitioner

versus

MANAV BHARATI INDIA INTERNATIONAL SCHOOL &  
ANR

..... Respondents

**Advocates who appeared in this case:**

For the Petitioner : Mr. Vikas Sareen, Advocate.

For the Respondents : Mr. R.K. Vats with Ms. Kumari Alka, Advocates for respondent No.1.  
Ms. Meenakshi Midha, Advocate for respondent No.2.

**CORAM:-**

**HON'BLE MR JUSTICE SANJEEV SACHDEVA**

**JUDGMENT**

**22.08.2016**

**SANJEEV SACHDEVA, J. (ORAL)**

1. Issue notice. Notice is accepted by the learned counsel appearing for the respondent No.1 as also by the learned counsel appearing for the respondent No.2.

2. Learned counsel appearing for the respondent No.1 School submits that the admission of the petitioner has not yet been cancelled and only a show cause notice has been issued. Learned counsel for the respondent No.2 submits that the fresh income certificate dated 28.04.2016 has been verified. The report of verification has been submitted. The same is

taken on record.

3. By the present writ petition, the petitioner seeks mandamus to the respondent No.1 to ensure petitioner's continuity of studies in the respondent No.1 school. Show cause notice was issued by the Respondent/School to the father of the petitioner on the ground that the father of the petitioner had allegedly submitted a fake income certificate.

4. 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 28.04.2016 has been filed along with the petition, which as stated above has already been verified.

5. 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. 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.'**

6. 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.

7. 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.

8. 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 22, 2016**  
**st**

**SANJEEV SACHDEVA, J**