

\$~51

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

% Judgment delivered on: 19.10.2016

+ W.P.(C) 8056/2016 & CM No.33365/2016 (for interim directions)

PRAVEEN KUMAR Petitioner

versus

D A V PITAMPURA DELHI AND ORS Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Partha Mandal, Advocate.

For the Respondents :Mr. Santosh Kumar Tripathi, Advocate for respondent Nos.2 and 3.

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

**JUDGMENT
19.10.2016**

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner seeks a direction to the respondents not to cancel the admission of the son of the petitioner and to allow the son of the petitioner to continue in the school. The name of the son of the petitioner had been struck off from the roll on the ground that the income certificate furnished at the time of seeking admission was forged.

2. Learned counsel for the petitioner contends that the income 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 petitioner submits that the petitioner is eligible to be admitted under

the EWS category since the petitioner possesses BPL Food Security Card issued by the Food Civil Supplies Department, GNCT, Delhi and in view thereof, the petitioner is exempted from producing the income certificate.

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 has been issued a BPL Food Security Card 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 son 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 claim of the petitioner, of being in the EWS

category, is found to be fictitious or not correct on any account, it shall be open to the respondents to cancel the admission of son 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.

SANJEEV SACHDEVA, J

OCTOBER 19, 2016
st

