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

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Judgment delivered on: 03.10.2016

+ W.P.(C) 9160/2016

MAMTA MODERN SENIOR SECONDARY SCHOOL Petitioner

versus

DIRECTORATE OF EDUCATION AND ORS Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Pramod Gupta, Adv. with Mr. Aman Baroka and
Ms. Kashvi Datta, Advocates

For the Respondents : Mr. Siddharth Dutta, Advocate for R-1
Mr. Manu Padalia and Mr. Ankur Chhiber, Advs. for R-3

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM No. 37087/2016 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 9160/2016 & CM No. 37086/2016 (stay)

1. The petitioner impugns the order dated 30.09.2016 whereby the Directorate of Education has withdrawn the nomination of the

petitioner school from the Subrato Cup Football Tournament 2016 and has allowed the Army Public School – respondent no. 3 to participate in the Subrato Cup Football Tournament 2016. It is contended that the impugned order has been passed on account of the alleged fact that one of the players i.e. Master Mandeep Singh was not eligible to represent the petitioner school, in as much as, he was not admitted in the school at least two months prior to the start of Pre Subrato Cup Football Tournament 2016. The Pre Subrato Cup Football Tournament 2016 commenced on 27.07.2016.

2. It is further contended that in a pre qualifying finals, the petitioner school has defeated the Army Public School and thus secured the right to represent Delhi State in the said Tournament. It is contended that the nomination of the petitioner school has been accepted and the players have already been issued the Identity Cards for participation and the participation fee has been collected.

3. It is contended that the Army Public School had made a complaint that two of the players i.e. Master Mandeep Singh and Master Avinash of the petitioner school were over age. It is contended that the explanation was called for from the petitioner on 07.09.2016 and a reply was submitted on 08.09.2016 certifying that the two students were not over age.

4. It is contended that the impugned order does not debar the petitioner on the said ground, however, has ousted the petitioner on a

completely a different ground i.e. Mandeep Singh was not on the rolls of the school at least two months prior to the start of the Pre Subrato Cup Football Tournament 2016. It is contended that the said contention is not even mentioned in the complaint of the Army Public School.

5. Issue Notice. Notice is accepted by counsel for Respondents 1 and 2 as also by counsel for respondent No. 3. Since it is contended that the Subrato Cup Football Tournament 2016 commences from tomorrow i.e. 04.10.2016, it is deemed expedient to take up the petition itself for disposal at this stage.

6. Learned counsel appearing for respondent no. 1 and 2 submits that though the impugned order does not deal with the complaint regarding age made by the Army Public School, since the School Leaving Certificate of Master Mandeep Singh showed that he had studied in the earlier school till 14.07.2016, the order has been passed in terms of the Circular dated 26.04.2016 which requires that the players should have been on the rolls of the school at least two months prior to the start of the Pre Subrato Cup Football Tournament 2016.

7. Learned counsel for respondent no. 3 submits that copy of the petition has not been received and prays for an adjournment. Since the Tournament is to commence tomorrow and there is an endorsement of receipt of the paper book on page 1A by the Respondent No. 3, I am not inclined to grant any adjournment as the adjournment would

frustrate the petition.

8. The relevant clause of the Circular dated 26.04.2016 reads as under:

“The players should have been on the rolls of the school for at least two months prior to the start of Pre-Subroto Cup Football tournament.”

9. The contention of the petitioner school is that Master Mandeep Singh had qualified 10th class Examination from Central Board of Second Examinations and had taken admission in the petitioner school in April, 2016, however, his school leaving certificate was issued later on 14.07.2016. The attendance record of Master Mandeep Singh was also furnished to the respondent no. 1 and 2.

10. The petitioner school has also placed on record the documents to show that the said Master Mandeep Singh had been admitted in the school and started attending classes w.e.f. 21.04.2016.

11. The relevant clause in the circular merely lays an embargo on the players. There is no embargo on the participation of the teams. In case, there was any issue about a particular player, the respondent no. 1 and 2 could have passed appropriate orders qua that player but there is no rule whereby the nomination of the entire team could be withdrawn.

12. In the impugned order the respondent no. 1 and 2 have not dealt

with the contention of the petitioner school about the admission of Master Mandeep Singh in April, 2016 and his attendance records that shows that he is marked present since 21st April, 2016. Furthermore this issue is not even raised by the Army Public School in its representation. The petitioner school had qualified to represent the Delhi State by defeating the respondent no. 3 school itself.

13. In view of the above, the impugned order dated 30.09.2016 withdrawing the nomination of the petitioner school from the Subroto Cup Football Tournament, 2016, is not sustainable and is accordingly quashed. The writ petition is accordingly disposed of.

14. Order *dasti* under the Signature of the Court Master.

OCTOBER 03, 2016
'rs'

SANJEEV SACHDEVA, J