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

% Judgment delivered on: 25.10.2016

+ W.P.(C) 9600/2016

KRITIKA (MINOR) THROUGH:  
HER AUNT (BUA)

..... Petitioner

versus

DIRECTORATE OF EDUCATION & ORS ..... Respondents

**Advocates who appeared in this case:**

For the Petitioner : Ms. Sushila Narang, Adv.

For the Respondents : Mr. Anupam Srivastava, ASC with Ms. Niharika, Advocate  
For GNCTD /R-1, 2 & 3  
Mr. Abhinav Gupta, Adv. for R-4 and 5  
Dr. Mohd. Javed Qamar, representative of Directorate of  
Education

**CORAM:-**

**HON'BLE MR JUSTICE SANJEEV SACHDEVA**

**JUDGMENT**

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

**W.P.(C) 9600/2016 & CM No. 38472/2016 (stay)**

1. The petitioner has filed the present petition contending that the assessment of grades given by the respondent school is incorrect. The petitioner had appeared in Class – IX and on account of the academic performance the petitioner did not clear the mathematics paper. The petitioner even appeared in the compartment examination of the mathematics papers but was unable to secure the minimum qualifying marks.

2. A comparative calculation chart of the grades has been filed by the petitioner to contend that the assessment of the academic performance has been incorrectly done by the school.
3. The petition has been filed by the petitioner through her aunt and the parents have been arrayed as respondent no. 4 and 5. It is contended that the parents are not taking care of the petitioner and thus the petition has been filed through her aunt.
4. Learned counsel appearing for Directorate of Education had on an earlier date sought time to examine the calculation sheet filed by the petitioner. Learned counsel after taking instructions submits that the performance done by the school is not incorrect and the school has correctly assessed the performance of the petitioner in so far as the mathematics subject is concerned and given proper grades. The said statement is restricted to the subject of mathematics because the petitioner has qualified in the other subjects and issue only pertains to the mathematics subject.
5. Learned counsel for the respondent-Directorate of Education submits that the petitioner had to secure at least 25% marks in the cumulative summative assessment (SA) whereas the petitioner has secured less than 7.33 marks out of 60 marks which implies that the petitioner has secured only about 12% and has not qualified the compartment examination.
6. With regards to the contention of the petitioner for re-checking of the answer sheets of the petitioner, learned counsel for the respondent no.

1, 2 and 3 submits that this court, in exercise of power under Article 226 of the Constitution of India, would not go into the question of checking of answer sheets.

7. Without prejudice thereto, the answer sheet had been produced in court for perusal. Learned counsel for the respondents further contends that the petitioner, her aunt and her mother have inspected the answer sheets and not found the assessment to be incorrect and have made an endorsement on the answer sheet in acknowledgement of the fact that the answer sheets had been made available for perusal of the petitioner, her aunt and her mother.

8. Learned counsel for the respondent no. 1, 2 and 3 submits that the father of the petitioner has already got the petitioner readmitted in Class – IX.

9. In exercise of powers under Article 226, this court not go into the subjective assessment of re-checking answer sheet and the marks awarded.

10. In so far as the contention of the petitioner with regard to the maintainability of the petition through aunt is concerned, learned counsel appearing for the parents contends that on account of the disputes between the aunt and the parents, the contention has been made that the parents are not taking care. In fact, the parents are taking care of the child and providing proper education, not only to the petitioner, but also to her two other sisters.

11. In any eventuality, this court has not examined the contention of the aunt of the petitioner or the parents in that respect. In case, there is any dispute between them, they may resolve the same through appropriate proceedings in appropriate forum.

12. In view of the above, I find no merit in the petition and the same is accordingly dismissed.

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

OCTOBER 25, 2016  
'rs'

SANJEEV SACHDEVA, J

