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

+ W.P.(C) 1339/2017, CM No. 6112/2017

MISS SAFIA NEMAT (MINOR) THR. HER FATHER MOHD.
NEMATULLAH SIDDIQUI Petitioner

Through: Mr. Khagesh B. Jha, Adv.

versus

DAV PUBLIC SCHOOL JASOLA VIHAR
& ANR

..... Respondents

Through: Mr. Hassibuddin, Adv. for R1 with
Mr. Dinesh, LDC of R1.
Mr. Shatrajit Banerji, Adv. for
Mr. Gautam Narayan, ASC with Dr.
Hari Ram, DOE for R2.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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03.03.2017

1. The present petition has been filed by the minor petitioner Miss Safia Nemat through her father with the following prayers:

“a) To pass an order for direction to the respondent no.1 school to allow the petitioner to continue his study under EWS category in the school with all entitlements.

b) To pass any other order or direction to the respondents this Hon'ble Court deems fit on the basis of above mentioned facts and circumstances of the case.

c) To allow the present writ petition with cost”

2. It is the case of the petitioner that father of the minor petitioner had applied for her admission in the respondent no.1 school in the session 2013-14 and succeeded in the draw of lots held by the School and later got admission in the respondent no.1 School in Nursery Class after verification of all the documents. The father of the petitioner received a letter dated 3rd May, 2016 from the Office of the respondent no.1 School which mentioned that the admission of the petitioner is going to be cancelled from the EWS Category and if he wants to continue in School he has to pay the school fee as general category student. Despite the request of the father of the minor petitioner to the School and other authorities to continue the admission in the EWS category, the request was not acceded to and the minor petitioner continued in the same School in the general category.

3. The petitioner has filed this petition along with Annexure-A, which is a copy of the certificate issued by the Revenue Department of the Government of NCT of Delhi certifying the income of Mohd. Nematullah Siddiqui, father of the minor petitioner and his family as Rs.96,000/- per annum. The Court on the last date of hearing had directed the learned counsel for the respondent no.2 to get the said certificate verified. Learned counsel for the respondent no.2 would submit that as per the noting of the Officer of the respondent no.2, certificate has been issued from the Sub-division (DC). Learned counsel for the respondent no.1 states that they would consider the same certificate as has been verified by the authorities, at page 9 of the writ petition and convert the admission as an admission in EWS category from the new session.

4. From the letter dated 3rd May, 2016, it is noticed that the admission granted to the minor petitioner was found, not in order, which aspect has been admitted by the father of the petitioner. As the minor is not in any way concern with the production of such a certificate, a lenient view is required to be taken and thus it is directed that the admission of the petitioner be converted into admission in the EWS category subject to deposit of 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 of persons falling under the EWS category. The petitioner shall also be entitled to all the benefits / entitlements under the said category. 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 minor petitioner in accordance with law and no special equity shall be claimed by the petitioner by virtue of the present order. It is also made clear that admission of the minor petitioner in the EWS category shall be prospective. The respondent no.1 School shall also not charge any fee of general category for the period when the minor petitioner pursued her education in the EWS category. The petition is disposed of.

Dasti.

CM. No. 6112/2017

Dismissed as infructuous.

V. KAMESWAR RAO, J

MARCH 03, 2017/jg