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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2176/2017**

PEEHU JAIN THR FATHER PANKAJ JAIN Petitioner
Through: Mr.Khagesh B.Jha, Adv.

versus

BAL BHARTI PUBLIC SCHOOL PITAMPURA AND ORS
..... Respondents
Through: Mr.S.K.Tripathi, ASC with Mr.Rizwan,
Adv. for R-2
Mr.D.Relan, Ms.A.Manocha, Advs. for DDA
Mr.Kamal Gupta, Adv. for R-1,4,5

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
08.03.2017

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CM 9444/2017

Exemption allowed subject to all just exceptions.

Application is disposed of.

WP(C) 2176/2017

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

“a) to pass an order for direction to the respondent no.5 school to promote the petitioner in their school in class Mount-I/Nursery for the session 2017-18.

b) to pass an order or direction to the respondent no.1 to ensure the promotion of petitioner in the respondent no.5 school in Mount-I/Nursery class for the session 2017-18.

c) 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.

d) to allow the present writ petition with cost.”

2. It is noted that the petitioner before approaching the Court has not represented to the concerned authority i.e. the respondent no.2 Director of Education, Govt. of NCT of Delhi. This Court is of the view that the issue raised by the petitioner need to be considered by the respondent no.2 i.e. Director of Education.

3. Mr.S.K.Tripathi, states that the respondent no.2 would consider the same. He states that the date and time be fixed so that the petitioner and the respondent nos.1,4 and 5 appear before the Director on the said date and time. Accordingly, the date 15th March, 2017, 4.30 PM is fixed for the parties to appear before the Director of Education who shall consider the writ petition filed by the petitioner as an application before him.

4. It is open to the school/respondent nos.1, 4 and 5 to file a response with the relevant documents/judgments with a copy to the petitioner. The rejoinder/additional documents including the judgments on which the petitioner wants to rely on, shall be filed on or before 14th March, 2017 with a copy to the learned counsel for respondent nos. 1, 4 and 5. It is expected that the Director shall pass an order at the earliest preferably within one week, thereafter. If aggrieved by the order, the parties shall be at liberty to seek such remedy as available in accordance with law.

5. It is made clear that the parties shall be at liberty to take such pleas as available to them on facts and in law. Till such time, the issue is decided by the Director in terms of this order, one seat in Nursery shall be kept reserved.

6. The petition is disposed of.

7. Suffice to state, this Court has not expressed any view on the merit of the issue raised.

Dasti under the signatures of the Court Master.

CM 9443/2017(stay)

Dismissed as infructuous.

V. KAMESWAR RAO, J

MARCH 08, 2017
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