

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

+ **W.P.(C) No.2575/2017**

% **22nd March, 2017**

PRADEEP KUMAR Petitioner

Through: Mr. Varun Aggarwal and Mr.
Pradeep Kumar, Advocates.

versus

PRINCIPAL MARWARI SR. SEC. SCHOOL & ORS.

..... Respondents

Through: Ms. Seema Dolo, Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J.MEHTA

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)

1. By this writ petition under Article 226 of the Constitution of India, petitioner seeks the relief of directions being issued to the respondent no.1, for issuing to the petitioner, the roll number for appearing in Class 10th Board Examinations.

2. Petitioner by the letter dated 23.2.2017 was informed that petitioner will not be allowed to appear in the examination for 10th Class for the year 2016-2017.

3. Though no reason is mentioned in this letter dated 23.2.2017, but counsel for the petitioner states that the reason is that

attendance of 60% is required whereas the petitioner only has 45% attendance. Learned counsel for the petitioner argues that the reason for the petitioner only having 45% attendance is that petitioner had suffered grievous injuries in an accident, and therefore, he could not attend school. However, I note that along with the writ petition no medical documents have been filed to show that petitioner was completely confined to bed and hence could not attend the school, and for which sufficient period exemption from attendance of 60% thus be granted to the petitioner.

4. Also, I may note that the admitted position is that one exam of Class 10th is already complete inasmuch as the said examination procedure started on 9.3.2017. Today, even the second examination for the second subject is going on for the Class 10th examination. Petition is therefore hopelessly delayed especially because the impugned order has been passed way back on 23.2.2017 and much before commencement of examination on 9.3.2017. Petitioner could have immediately approach the Court on receiving of the letter dated 23.2.2017, but the petitioner has approached this Court by filing of this writ petition which has come up for hearing for the first time only today on 22.3.2017.

5. In view of the above, there is no illegality in the impugned order dated 23.2.2017 denying the grant of roll number to the petitioner as petitioner admittedly has less than the requisite attendance. Also, the petitioner has failed to file the medical records as to why petitioner could not attend the school for getting 60% attendance, and especially showing that the petitioner was completely confined to bed for not attending the school. Also the petition is also hopelessly barred by delay and *laches*.

6. Dismissed.

MARCH 22, 2017/ib

VALMIKI J. MEHTA, J