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

+ **W.P.(C) 7946/2016**

RISHI KUMAR

..... Petitioner

Through: Mr. Narendra Kumar Upadhyay and
Ms. Juhi, Advs.

versus

HANS RAJ MODEL SCHOOL AND ORS

..... Respondents

Through: Mr. Anurag Lakhotia, Adv. for R-1.
Mr. Sanjoy Ghose, ASC with Ms.
Pratishtha Vij, Adv. for R-2 & R-3.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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19.04.2017

By this petition under Article 226 of the Constitution of India, petitioner has prayed that respondents be directed to admit his ward in Class I, in the academic session 2016-17. A perusal of petition shows that petitioner is seeking admission under EWS/Freeship category in the respondent no.1 school. Respondent no.2 is Deputy Director of Education.

It is noted that academic session 2016-17 is over, inasmuch as, admissions in the academic session 2017-18 in respect of EWS category are over. Date for submitting the application forms under EWS category with the respondent no. 2 is closed in the month of February, 2017. For admissions in a school under EWS category, an applicant was required to apply online with the respondent no.2, i.e., Deputy Director of Education.

Be that as it may, even on merits, petitioner has failed to make out a case for issuing the writ of mandamus to the respondents to admit his child in the school in the academic session 2016-2017 or for that matter in the 2017-2018 session. Petitioner has alleged in this petition that he had submitted an application form with the respondent no.1 on 6th April, 2016 and had deposited a fee of ₹25/-, but no receipt was issued. Respondent no.1 did not admit his child. Petitioner has not mentioned that he had filed any application with the respondent no.2 for admission of his ward in respondent no. 1 under EWS category. As per the admission policy, online application has to be made with the respondent no.2 for this purpose. In the counter affidavit, respondent no.2 has stated that petitioner had made an online application in accordance with the policy, inasmuch as, a photocopy of the registration form has been produced in Court during the hearing. In this form, name of the respondent no.1 school has not been mentioned. Petitioner has concealed this fact.

In the counter affidavit, respondent no.2 has also stated that, as per the policy, three rounds of computerised draw was held wherein petitioner's ward was not successful for the schools mentioned in the application form. It is further submitted that petitioner has not applied for the academic

session 2017-18.

For the foregoing reasons, writ petition is dismissed.

A.K. PATHAK, J.

APRIL 19, 2017

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