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

+ W.P.(C) 3746/2017

DAKSH OJHA

..... Petitioner

Through: Mr. Shubhankar Jha, Adv.

versus

MANAV BHARATI INDIA INTERNATIONAL SCHOOL
& ANR

..... Respondents

Through: Mr. R.K. Vats and Ms. Kumari Alka,
Adv. for R1.
Mr. Rispal Singh, Legal Assistant,
District South Zone-23,
R.K. Puram, Sector-3.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **15.05.2017**

1. The present petition has been filed by the minor petitioner with a prayer in the nature of a direction to the respondent no.1 / School to ensure the minor petitioner's continuity of studies in the said School by re-admitting him.
2. This petition has been filed by a minor child through his father with the aforesaid relief. It is the case of the petitioner that he was admitted in the respondent no.1 / School in Class-I in EWS Category. It is averred that the income certificate pursuant to which the admission was taken in the EWS Category was stated to have been fabricated. It is also noted from the writ petition that FIR has been registered against the father of the minor child in the matter. The consequence of submitting a fabricated certificate is that the admission of the child was cancelled. Learned counsel for the petitioner refers to a communication dated 31st March, 2017 addressed to the

father of the minor petitioner by the School (page 11 of the paper book) wherein the following has been stated:

“With reference to the undertaking, submitted by you and our school office letter No. MBS/ND/16-17/078 dated 25.05.2016 whereunder you were given final opportunity to prove the validity of the EWS certificate submitted by you at the time of admission of your ward under EWS / DG Category of the RTE. This is to inform you that neither you have got the certificate verified till date nor have sought relief from the Hon’ble High Court by depositing penalty with the Lok Nayak Jai Prakash Hospital, Delhi allowing child to attend School.

In view of the above the name of Master Daksh Ojha struck off from the school rolls w.e.f 31.03.2017.”

It is also his contention that the father of the minor child has now got a fresh certificate bearing no. 90550000132861 dated 29th April, 2016 from the concerned authority wherein the salary of the family has been depicted as Rs.86,400/- per annum.

3. When the matter was listed on 1st May, 2017, this Court while issuing notice recorded the statement of the learned counsel for the respondent no.2 that the income certificate shall be verified and report will be submitted. This court had also directed that the child should not be expelled from the School.

4. Mr. Rispal Singh, Legal Assistant for respondent no. 2 would submit that the Office of the Deputy Director of Education, Zone-23, District Court, has submitted a request to the concerned SDM / Tehsildar for verifying the income certificate annexed at Page 10 of the paper book. On the other hand, the learned counsel for the respondent no.1 / School states that the income certificate is dated 29th April, 2016 and the validity of the same is for six

months; this contention has been answered by the learned counsel for the petitioner by stating that the certificate was submitted to the School Authorities much before expiry of six months.

Learned counsel for the petitioner and the respondent no.1 agree that the matter can be disposed of with a direction for admission subject to the certificate being verified by the concerned authority. Accordingly, noting that the issue has been settled by this Court in different writ petitions, one being W.P.(C) No. 7317/2016 decided on August 22, 2016, inasmuch as the minor child should not suffer for the fault of his father, this Court is of the view that respondent no.1 / School shall restore the admission of the petitioner, if not already withdrawn, but that shall be only after verification report of the certificate at page 10 of the paper book is received from the respondent no.2. It is expected that the respondent No.2 shall forward the report within a week after receipt of the same from the authority certifying the genuineness of the same. This would be subject to further direction that the father of the minor child shall deposit an amount of Rs.5,000/- as penalty with the Lok Nayak Jai Prakash Hospital within one a week from the date of the admission and filing receipt with the School. It is made clear that the petitioner shall be entitled to all the benefits and entitlement of the EWS category. It is also made clear that any criminal proceedings initiated by the authorities against the father of the minor petitioner shall continue and be taken to its logical end.

The writ petition is disposed of.

V. KAMESWAR RAO, J

MAY 15, 2017/jg