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

+ W.P.(C) 4561/2015 & CM No.8267/2015

RAVINDER SINGH

..... Petitioner

Through : Mr. Rajat Aneja and Ms. Chandrika
Gupta, Advs.

versus

GOVERNMENT OF NCT OF DELHI & ORS

..... Respondents

Through : Mr. Shiva Sharma, Adv. for Mr.
Peeyoosh Kalra, ASC for R-1 & 2.
Mr. Kapil Gupta, Adv. for R-3.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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01.05.2017

By the present writ petition, petitioner has prayed as under:-

“(a) issue a writ, order and/or direction in the nature of Certiorari and/or any other appropriate writ, order and/or direction in the like nature in favour of the petitioner and against the respondents, thereby quashing the letter dated 24.4.2015 issued by respondent No.3 whereby the names of the two sons of the petitioner i.e. Arjun, student of class Vth D and Yuvraj, student of class 2nd B was struck off from the school roll due to non payment of the fees;

(b) issue a writ, order and/or direction in the nature of Mandamus and/or any other appropriate writ, order and/or direction in the like nature in favour of the petitioner and against the respondents, thereby directing the respondent no.3 to re-admit the said two sons of the petitioner and to allow them to continue with their studies in the said school under the category of Economic Weaker Section and further not to enforce the said letter dated 24.04.2015 in any manner whatsoever and further to provide all benefits and privileges so permissible under the Act and the rules and regulations made there under and not to victimize the said sons of the petitioner in any manner whatsoever.

(c) issue any other appropriate writ, order and/or direction in the like nature which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case in favour of the petitioner and against the respondents; Such other or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case be also passed in favour of the petitioner and against the respondents to meet the ends of justice."

Petitioner's children are studying in respondent no.3 school right from the nursery class. Presently they are in 4th and 7th standard respectively. Petitioner did not pay the school fee from January, 2014 till April 2014, therefore, names of his children were struck off from the rolls.

Petitioner has approached this court, primarily with the prayer that the children be shifted from General category to the Economically Weaker Section (EWS) category. Vide order dated 8th May, 2015, respondent no.3 was directed not to give effect to the communication dated 24th April, 2015 whereby, the names of petitioner's children were struck off due to the non-payment of fee from January, 2014 to April, 2014. We are in 2017 now. Three years have gone by since then. Petitioner has not paid the fee all this while and as of now arrears of ₹2,91,160/- are due and payable. On 13th February, 2017, learned counsel for the respondent no.3 had made a statement that respondent no.3 was willing to reduce the amount of arrears of fee by 50%. Learned counsel for the petitioner took time to take

instructions. However, on the last date of hearing, that is, 20th April, 2017, it was submitted that petitioner is not willing to pay any fee. It is submitted that category of these two students be changed from General to EWS category.

Learned counsel for the respondent no.2 submits that there is no such policy envisaging the change of category from 'general' to 'EWS'. Students have to be admitted in EWS category by applying online afresh as per the policy formulated by the respondent no.2 and admission is done by the draw of lots.

Learned counsel for the respondent no.3 submits that no vacancy exists in the class 4th and 7th under the EWS category and for this reason also children can otherwise, be not accommodated in 4th and 7th standard, even if this court directs, as a special case. In my view respondent no.3 cannot be directed to continue the petitioner's children on roll without payment of fee. As regards EWS category is concerned no such direction can be given.

For the foregoing reasons, writ petition is dismissed. Miscellaneous application is disposed of as infructuous.

Dasti.

A.K. PATHAK, J.

MAY 01, 2017/dk