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

+ W.P.(C) 5366/2017 & C.M.Nos.22673-22674/2017

ERIKA YAGNIK Petitioner

Through Petitioner in person.

versus

GOVT OF NCT OF DELHI AND ORS Respondents

Through Mr.Satyakam, ASC for R-1 &
2/GNCTD.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **23.06.2017**

Present petition has been filed in the form of public interest litigation seeking a direction to respondents to take appropriate steps that no student claiming EWS status studying in any school in the NCT of Delhi shall be removed from the school for non-payment of fee till the time the EWS claim is finally decided by the concerned school as well as by the Dept. of Education.

It is pertinent to mention that present petition concerns two students namely Sukaina Fatima Naqvi and Syed Aqbar Mehndi Naqvi studying in Class 8 and 4 respectively in Delhi Public School.

It has been averred in the petition that due to financial difficulty the parents of the aforesaid children are unable to pay their tuition fee and therefore made an application to the school to consider the case of aforesaid children under the EWS category.

It has been further averred that on 30th March, 2017 the report card of Sukaina Fatima Naqvi along with transfer certificate was handed over to the parents.

Learned counsel for the petitioner states that injustice has been caused to the students who belong to EWS category by denying them exemption of their school fee.

Since in the present case, the minor wards were admitted not under EWS category but General category and the family income of the parents is now stated to be Rs.1,20,000/- per annum, this Court is of the view that the writ petition should be filed by the parents of the children in question. Further, if the parents of the children are resourceful enough to get recommendations/support letters from MPs and MLAs, they can surely approach the Court directly. Accordingly, the present public interest litigation is dismissed with liberty to the parents of the minor wards to file a writ petition on the same cause of action.

MANMOHAN, J
(Vacation Judge)

YOGESH KHANNA, J
(Vacation Judge)

JUNE 23, 2017
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