

\$~2

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(C) 9772/2017 & C.M. No.39774/2017

MASTER NEIL SINGH

..... Petitioner

Through Mr.Ashutosh Dixit, Advocate.

versus

SANSKRITI SCHOOL & ORS

..... Respondents

Through Mr.Prashanto Chandra, Sr.Adv. with
Mr.Udyan Verma, Bharat Sood,
Mr.P.S.Sandheer and Mr.Avinash
Das, Advocates for R-1.
Mr.Satyakam, ASC for GNCTD with
Mr.Abhay Agarwal for DOE.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

%

24.11.2017

1 Petitioner (a minor) has filed the present petition through his guardian. The averments in the petition disclose that the father of the petitioner had applied for admission of the petitioner in Class Prep/K.G. for the Academic Session 2015-16 under the EWS/Disadvantaged category through a request letter dated 27.3.2015 at respondent no.1 school. There was no response received by him. In July, 2015 a circular/notice for admission for one vacant seat was received by respondent no.1. Petitioner's father applied for admission in July, 2015 as per the said circular. A representation was made to the school on 22.7.2015. No admission

was granted to the petitioner. Petitioner received a rejection letter dated 27.11.2015 informing him that all seats in the EWS/Disadvantaged category have been filled in. Petitioner again applied on 03.5.2017 for Class I in the aforementioned EWS/Disadvantaged category. Another request letter sent on 05.5.2017 but to no avail. Submission is that the RTI information obtained by the petitioner had revealed that 12 seats were available in the EWS/Disadvantaged category qua the admission of the petitioner and only 11 seats had been filled in. One seat still remained vacant with the respondent no.1 school. Case of the petitioner has been illegally rejected.

2 On advance notice, learned counsel for respondent no.1 (Sanskriti School) as also learned counsel for respondent no.2 (Directorate of Education) have put in appearance. At the outset, learned counsel for respondent no.1 points out that the petitioner has not made any application to the school which is a mandate which necessarily had to be followed by the petitioner before his case could be considered for the purpose of admission. The Admission Information for Prep for the Academic Session 2015-16 (Annexure P-4) has been highlighted. It is pointed out that this admission information clearly mandates that a duly filled in form for EWS/Disadvantaged Group Category has to be filed by a candidate between 17.7.2015 to 20.7.2015 which has not been adhered to by the petitioner. The petitioner has admittedly not filled in any such form. A query has been put to the learned counsel for the petitioner on this score. He admits this position. His submission is that he had made a

representation to the school and admittedly no duly filled in form has been given by the petitioner. The representation of the petitioner is dated 22.7.2015. This is only the document which has been placed on record by the petitioner wherein a request for admission in Class Prep under the EWS/Disadvantaged Category has been made. Apart from the fact that it is outside the prescribed period which is w.e.f. 17.7.2015 to 20.7.2015; even otherwise it is not being a duly filled in form which would require several other details. The submission of the learned counsel for respondent is correct that the case of the petitioner was thus rightly not considered. That apart the representation dated 22.7.2017 states that the petitioner is residing within the stipulated radius of 5 k.m.; this is contrary to the averments made in the petition wherein it has been stated that the petitioner is a resident of 5-8 k.m. away from the respondent school. Learned counsel for respondent has drawn attention of this Court to the Circular dated 29.12.2014 of the Directorate of Education which provides for admission of the EWS/Disadvantaged Group category; the admission shall first be offered to eligible students belonging to the EWS and Disadvantaged Group residing within the radius of 1 k.m. and thereafter 3 k.m. radius would be considered and lastly 6 k.m. radius.

3 The relevant extract of the aforementioned circular is reproduced herein as under:

“C) Admission of the children belonging to Economically Weaker Section and Disadvantaged Group Category shall be made by the private unaided recognized schools on the following criteria.

- (i) Admission shall first be offered to eligible students belonging to EWS and Disadvantaged Group residing within 1 KM of the specific school.*
- (ii) In case of the vacancies remain unfilled, students residing within 3 KM of the school shall be admitted.*
- (iii) If there are still vacancies, then the admission shall be offered to other students residing within 6 K.M. of the institution.*
- (iv) Students residing beyond 6 K.M. shall be admitted only in case vacancies remain unfilled even after considering all the students within 6 K.M. area.”*

4 Learned counsel for respondent on this count also rightly points out that the case of the petitioner himself is that he is living at a radius of 5-8 k.m.

5 The RTI information highlighted by the learned counsel for the respondent to substantiate a submission that the projected seats of the school were 50 and 12 were required to be filled in and only 11 seats had been filled is not substantiated by any documents. The RTI information filed along with the photocopies of papers do not reflect any such averments. No other document has been pointed out by the petitioner on this score.

In the course of the arguments, this Court has been informed that the petitioner has been admitted in the General category of the Air Force Bal Bharati School in the second standard. He has not applied in that school in the EWS/Disadvantaged Group category. On a query put to the petitioner on this score, he does not have any answer. He admits that this whole exercise is an academic exercise.

Submission being that the respondent no.1 should not be let off for committing such an illegality which had been perpetrated by them. Apart from the fact that this Court does not find any illegality in the stand of the respondent no.1 as it is the case of the petitioner himself that he had not filled in any form for his admission before respondent no.1 school and he being discrepant about the distance of his residence from the school, this Court is even otherwise not dealing with a Public Interest Litigation.

6 This petition is nothing but wastage of the precious time of the Court. It is dismissed with costs quantified at Rs.10,000/-.

INDERMEET KAUR, J

NOVEMBER 24, 2017

ndn