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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 248/2011**
AMODH SHASTRI

..... Petitioner

Through: Petitioner in person.

versus

UOI

..... Respondent

Through: Ms. Nandita Rao, ASC (Crl.), Govt. of
NCTD with Mr. Tanveer Alam, LA, Zone-29,
Directorate of Education.
SI Mukesh Kumar, P.S. Sarita Vihar, Delhi.
Mr. Anurag L., Adv. for R-3.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER
05.10.2018

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Crl. M.A. 14910/2017

For the reasons stated in the application, delay of 83 days in filing the application for recalling of order dated 30.05.2016 is condoned.

The application stands disposed off.

Crl. M.A. 14909/2017

This application seeks restoration of the writ petition which, in default of the petitioner, was dismissed on merits on 30.05.2016. The Court had noted as under:

- “1. The writ petitioner wants security-for his son.*
- 2. The son of the petitioner was a student of DAV Public School as of the year.2011. He alleges discrimination against his son. Status report filed is to*

the effect that the petitioner is in the habit of making false complaint. An inquiry conducted by the Directorate of Education brings out that the petitioner did not send his ward to the school resulting in his name being struck off and the allegation that his son's name was illegally struck off is false. Allegation that his son was inflicted corporal punishment have found to be false. The inquiry report brings out that the petitioner was not depositing the fee in the school.

3. If the petitioner is having so much problem with the school it would be advisable for him to get his son admitted in some other school.

4. In the petition it has not been disclosed as to in which class the son of the petitioner was studying. But there is an averment that the son of the petitioner was studying in the school for nine years, and if this be so the boy would no longer be in the school as of today.

5. The writ petition is dismissed.

6. No costs."

The petition had sought the following reliefs:

"Therefore, in the light of the facts and circumstances as aforementioned, this Hon'ble Court may be pleased to:

a. issue writ, order or direction to the respondents to stop the discriminatory behaviour and ensure the protection of the petitioner's son in the school;

b. issue writ, order of direction in the nature of mandamus commanding the Commissioner of Police/S.H.O., P.S. Sarita Vihar, Delhi to provide adequate security to the child of the petitioner; and

c. pass such any other and further order(s) as this Hon'ble Court may deem fit and proper in the interest/end of justice."

In effect, the grievance of the petitioner was that there was discriminatory behaviour against his son who was studying in the

respondent's school, hence he sought protection for his son by way of issuance of a mandamus to the Delhi Police. The aforesaid order noted that the petitioner's son was studying in the respondent school for nine years and if that was the case, his son would no longer be in the respondent's school as of the day of the order. The writ petition was filed in the year 2011 when the petitioner's son was studying in class seven for some incidents which took place over a period of time. He left the school in class eight i.e. in the year 2012. The aforesaid order notes that since the petitioner's son has left the school, the directions as sought in the prayer clause became redundant and the petitioner's request for providing protection to his son in the said school would be infructuous. Hence neither prayer 'a' nor prayer 'b' could be allowed.

In view of the above, the Court finds no reasons to restore the petition. It is accordingly dismissed.

NAJMI WAZIRI, J

OCTOBER 05, 2018/acm