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

+ **W.P.(C) 2350/2018**

BABY GAMYA SINGHAL Petitioner
Through **Mr.S.N. Gupta, Adv. with**
Mr.Abhishek Vashisht, Adv.

versus

DIRECTOR OF EDUCATION & ANR Respondents
Through **Ms.Hetu Arora Sethi, Adv. for R-1.**
Mr.Satvik Bajaj, Adv. for R-2.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

ORDER
% **14.03.2018**

The case set up by the petitioner is that her father had applied for her admission in LKG in the respondent no.2/School and had duly filled up the online form on 5th January, 2018. As per the petitioner, a message was received by the petitioner's father on his cell phone on 5th January, 2018 that his application was successful. Learned counsel for the petitioner submits that though the petitioner's father was informed that a hard copy of the form had to be submitted by him to the respondent no.2/School on 17th January, 2018, there was no specific information given to her father that the form had to be submitted before 2.00 p.m. on that date. Learned counsel for the petitioner submits that it is an admitted case of the parties that petitioner's father had approached the School at 2.30 p.m. on 17th January, 2018 with a hard copy of the application but the same was not accepted on 17th January, 2018 and was only subsequently received along with petitioner's letter dated 18th January, 2018.

In view of the aforesaid position, Mr.Gupta, learned counsel for the

petitioner contends that since the respondent had not specifically informed the petitioner's father that the hard copy of the application form had to be submitted before 2.00 p.m., the petitioner whose elder sister is also a student of the same School, ought not to be penalized for the delay of only about half an hour in submitting the hard copy of the application and a lenient view may be taken in the facts of the case.

Issue notice. Ms.Sethi, Advocate accepts notice for respondent no.1 and Mr.Satvik Bajaj, Advocate accepts notice for respondent no.2. They submit that they do not wish to file any counter affidavit and would rely on the pleadings already filed on record.

Ms.Sethi submits that in view of the Circular dated 19th December, 2017, issued by the respondent, laying down the rules for admission in the School for entry level class, it was incumbent upon the petitioner to have submitted a hard copy of the form during the working hours of the School which were till 2.00 p.m. and the petitioner having failed to do so by 2.00 p.m., the petition is liable to be rejected. Mr.Satvik Bajaj, learned counsel who appears for respondent no.2, while not disputing the fact that the petitioner's father had approached the School at about 2.30 p.m. on 17th January, 2018, submitted that they are bound by the Circular issued by respondent no.1 and they had rightly declined the request of the petitioner to accept the hard copy of the application which was sought to be submitted after 2.00 p.m. on 17th January, 2018.

Having heard learned counsel for the parties and having perused the circular, I am of the considered opinion that there was nothing in the Circular to show that hard copy of the application had to be submitted before 2.00 p.m. on 17th January, 2018. There is no doubt that the petitioner had to submit a hard copy of the form before 17th January, 2018, but keeping in view the admitted fact that the form was sought to be submitted by the father of the petitioner to the respondent no.2/School

at 2.30 p.m. on 17th January, 2018, when the office of respondent no.2 was still functional, there is no reason to deny relief to the petitioner especially in view of the admitted position that there is still a vacancy available for granting admission to the petitioner.

The petition is, accordingly, allowed subject to payment of costs of Rs.5,000/- to the Delhi High Court Staff Welfare Fund. Upon the petitioner submitting the hard copy of the application within two days to the respondent no.2 and subject to her meeting other eligibility criteria, the respondent no.2 will grant admission to the petitioner within the next three days.

It is made clear that the aforesaid order will not be treated as a precedent and has been passed in the facts and circumstances of the present case.

The petition is disposed of in the above terms.

MARCH 14, 2018/aa

REKHA PALLI, J