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

+ **W.P.(C) 2777/2018**

MASTER AAYUSH SHARMA (MINOR) Petitioner
Through **Mr.S.N. Gupta, Adv. with**
Mr.Abhishek Vashisht, Adv.

versus

THE DIRECTOR OF EDUCATION & ANR Respondents
Through **Mr.Jawahar Raja, Adv. for R-1.**
Mr.Satvik Bajaj, Adv. for R-2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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21.03.2018

Vide the present petition, the petitioner has sought a direction to the respondents to admit the petitioner in class LKG of the respondent no.2/School.

The case set up by the petitioner is that the petitioner's father had submitted an online application seeking petitioner's admission in the respondent no.2/School. As per the petitioner, a message was received by the petitioner's father on his cell phone that his online application was successful. Upon receipt of the message about the successful receipt of the application form, the petitioner and his parents remained under the impression that upon meeting the eligibility criteria, the petitioner will be duly granted admission in the respondent no.2/School. He further submits that on 15th February, 2018, when petitioner's name did not appear in the list of successful

candidates by respondent no.2/School, the petitioner's father approached the respondent no.2/School and was shocked to learn that his application had not been considered as the petitioner's father had failed to submit a hard copy of the online application form in the respondent no.2/School. Learned counsel for the petitioner further submits that the petitioner's father was never informed that even after successful submission of the online form, there was any requirement of submitting a hard copy of the online application form and, therefore, he submitted a hard copy of the application to respondent no.2/School on 15.02.2018 with a request to grant admission to the petitioner.

In view of the aforesaid position, Mr.Gupta, learned counsel for the petitioner contends that since the respondent no.2/School had not specifically informed the petitioner's father that a hard copy of the online application form had to be submitted before 17.01.2018, the petitioner ought not to be penalized for the delay in submitting the hard copy of the application and a lenient view may be taken in the facts of the case.

Issue notice. Mr.Jawahar Raja, Advocate accepts notice for respondent no1 and Mr.Satvik Bajaj, Advocate accepts notice for respondent no.2 and submit that they do not wish to file counter affidavit and would rely on the pleadings already on record.

Mr.Jawahar Raja, Advocate who appears for respondent no.1 submits that in view of the Circular dated 19th December, 2017, it was incumbent upon the petitioner to submit a hard copy of the application form to the School within the prescribed time i.e. by 17th

January, 2018, and the petitioner having admittedly not done so, he is not entitled to any relief from this Court. However, Mr.Bajaj, learned counsel for respondent no.2/School, concedes that there is still a vacancy available in the School for accommodating the petitioner and also submits that while sending the message to the petitioner's father regarding successful receipt of the petitioner's application form, there was no specific information given to him about the requirement to submit a hard copy of the application form.

Having heard learned counsel for the parties and perused the Circular, I am of the considered opinion that, even though as per the Circular issued by respondent no.1, it was mandatory for the petitioner to submit a hard copy of the application form to the respondent no.2/School on or before 17th January, 2018, but keeping in view the fact that the online copy of the application form had been duly received by the School who did not inform the petitioner that a hard copy of the said application form was also required as also the fact that there is still a vacancy available to accommodate the petitioner, the petition is entitled to succeed.

The petition is, accordingly, allowed subject to payment of Rs.10,000/- as costs payable to the Delhi High Court Staff Welfare Fund. Since the petitioner has already submitted a hard copy of the application form, the respondent no.2/School, it is directed that subject to the petitioner meeting all the other eligibility criteria, respondent no.2/School would grant admission to the petitioner in L.K.G. within the next three days.

The petition is disposed of in the aforesaid terms.

It is made clear that the aforesaid order is being passed in the peculiar facts of the case and will not be treated as a precedent.

Dasti under the signatures of Court Master.

REKHA PALLI, J

MARCH 21, 2018/aa