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

+ W.P.(C) 4536/2018 & C.M. Nos.17527-17528/2018

GIRISH SAINI AND ORS.

..... Petitioners

Through Mr.N.K. Upadhyay, Adv.

versus

V. S. P. K. JUNIOR SCHOOL, AND ORS.

..... Respondents

Through Mr.Anuj Aggarwal, ASC &
Mr.Kanishk Rana, Adv. for R-2 to 4
with Mr.Yogesh Kumar, DEO, Zone
XI, in person.
Mr.Dhanesh Relan, Adv. with
Ms.Gauri Chaturvedi, Adv. for DDA.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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01.05.2018

Learned counsel for the petitioners submits that even though respondent no.1/School has been allotted land by respondent no.5/DDA on concessional rates, it is not granting admission to the children from EWS category despite there being a mandate in the Right to Education Act. He submits that despite being aware of the aforesaid position, the respondent nos.2 to 5 have taken no corrective action to either direct respondent no.1 to grant admission to children in the EWS category or in the event of its failure to do so, to take steps to cancel respondent no.1's lease.

At this stage, Mr.Aggarwal, learned counsel for respondent nos.2 to 4, submits that the only reason why the respondent no.2 did

not direct respondent no.1 to admit children from the EWS category, is that the said School has yet not been recognized and its application seeking recognition is pending consideration. He, however, concedes that irrespective of the School being recognized or not, since respondent no.1 was allotted land on concessional rates to run a School, it is under an obligation to grant admission to children under the EWS category. He submits that since the grievance of the petitioners had admittedly not been brought to the notice of respondent nos.2 to 4, no action could be taken by respondent no.2 against respondent no.1.

Having considered the stand taken by Mr.Aggarwal, I am of the considered opinion that respondent nos.2 to 4 ought to take appropriate action against respondent no.1 and pass an order giving directions to respondent no.1 to comply with the provisions of the Right to Education Act.

The respondents are, accordingly, directed to treat the present writ petition as a representation and pass a reasoned and speaking order within three weeks from today.

Needless to say, in case the petitioners are still aggrieved, it will be open for the petitioners to take legal recourse as permissible under law.

The writ petition and applications are disposed of in the aforesaid terms.

MAY 01, 2018/aa

REKHA PALLI, J