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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 255/2018 and CM Nos. 18613-18615/2018

Date of decision: 16th July, 2018

MASTER VANSH

..... Appellant

Through

Mr. Khagesh K. Jha, Adv.

versus

VENDKATESHWARA GLOBAL
SCHOOL & ORS.

..... Respondents

Through

Mr. Gautam Narayan, ASC for
GNCTD

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

SANJIV KHANNA, J. (ORAL):

Having heard counsel for the appellant we are not inclined to interfere with the impugned judgment and order dated 31.03.2017 passed in W.P.(C) No. 9069/2016.

2. Impugned decision decides several writ petitions and has referred to different provisions of the Right to Education Act, 2009, notification dated 07.01.2011 and circular dated 29.12.2015 issued by the Government of National Capital Territory of Delhi.

3. Circular dated 29.12.2015 prescribed guidelines for admission of Economically Weaker Section (EWS)/Disadvantaged Group (DG) category at entry level classes in private unaided recognized schools of Delhi for the

session 2016-17.

4. In terms the said circular, online system was introduced from 01.01.2016 for academic session 2016-17 for students of EWS/DG category. Parents/students could not apply/ and approach the school directly for admission in EWS/DG category.

5. Impugned judgment refers to the benefits and advantages of the online system, as this had removed and effectively checked malpractices and nepotism in giving admission to EWS /DG category students.

6. Learned counsel for the appellant on being questioned states that the parents of the appellant had not applied online for admission. It is also stated that the circular dated 29.12.2015 was not challenged in the writ petition preferred by them.

7. In these circumstances, we do not think that the appellant is entitled to any relief. On the basis of online applications, a gradation or seniority list on basis of draw of lots was prepared. EWS/DG category applicants were granted admission in different schools as per their position in the list. In view of large numbers, all applicants could not be accommodated. We would hesitate and not pass any order, ignoring and bye-passing the waiting list, to favour the appellant. This would be unfair and unjust to others. It would violate their rights.

8. Learned counsel for the appellant had submitted that 'Vendkateshwara Global School' was not included in the list of eligible schools uploaded by the Government of NCT of Delhi.

This may be correct but later on the said school was included in the list of schools to which admissions under Right to Education Act were to be made. Aforesaid argument cannot be a ground and reason to allow the appeal ignoring and turning a blind eye to the claim of the online applicants who were eligible and have not secured admission due to their seniority and rank.

9. There is delay of 337 days in filing of the present appeal. Civil Misc. Application No. 18614/2018 filed by the appellant for condonation of delay states that the appellant being a poor person was continuously trying to get help to pursue the case and it took one year to find an advocate. Normally for these reasons, we would have condoned the delay in filing of the appeal. However we have to record that lapse of time in the present case, would be of consequence. Academic session 2017-18 has already ended.

10. Appellant it is stated has applied for admission for the session 2018-19. Impugned decision, it is obvious would not be a ground to reject the online application for 2017-18. Appellant would be considered as per Rules and circular.

11. Learned counsel for the appellant, at this stage submits that they would like to challenge the circular dated 29.12.2015 and states that the circular violates or was in conflict with the notification dated 07.11.2007. Appellant, is at liberty to do so in accordance with law.

12. Recording the aforesaid, we dismiss the present appeal without any order to costs. Other pending applications are

disposed of as being infructuous. We clarify that we have not examined issues which were subject matter of other writ petitions.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

JULY 16, 2018
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