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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 06.08.2018

W.P.(C) 7504/2018

MST. AKSHAJ OJHA (THROUGH GUARDIAN) Petitioner

versus

GOVT. OF NCT OF DELHI AND ORS. Respondents

Advocates who appeared in this case:

For the Petitioner : Ms. Ruchika Mittal, Mr. Yugans and Mr. Amit Prakash Shahi,
Advocates

For the Respondents : Ms. Shobhna Takiar, Advocate for R-1 & R-3
Ms. Vasudha Bajaj and Mr. Ankur Goel, Advocates for R-4

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

J U D G M E N T

SIDDHARTH MRIDUL, J (ORAL)

CM APPL.28697/2018

Exemption granted subject to all just exceptions.

The application is disposed of accordingly.

W.P.(C) 7504/2018 & CM APPL.28679/2018 (Interim Relief)

1. The present petition under Articles 226/227 of the Constitution of India prays as follows:-

“It is therefore, most respectfully prayed that this Hon’ble Court may be pleased to:

- a) Issue writ of mandamus or any other appropriate writ/order/direction/(s) directing the respondents to admit the petitioner to Delhi Public School, Vasant Kunj, New Delhi in Class VI for the session 2018-19 in the Disadvantaged Group category, petitioner being an autistic child or any other school in the vicinity of the residence of the petitioner where there is a vacancy in class VI; and
- b) Pass such other order(s)/direction(s) as this Hon’ble Court may deem fit and proper in the facts and circumstances of the case.”

2. On an oral request made by Ms. Ruchika Mittal, learned counsel appearing on behalf of the petitioner, Delhi Public School, Vasant Kunj, New Delhi is impleaded as respondent No.4 in the present writ petition.

3. Amended memo of parties be filed during the course of the day.

4. Learned counsel appearing on behalf of the newly impleaded respondent No.4 states that, in view of the communication dated 17.04.2018, received from the Directorate of Education, they shall grant admission to the petitioner, who is stated to be autistic, under the Disadvantaged Group Category, in class VI provisionally, subject to the latter furnishing the

requisite disability certificate duly issued by a Government hospital, situated in Delhi.

5. Ms. Ruchika Mittal, learned counsel appearing on behalf of the petitioner, on instructions states that, they have already applied for a disability certificate to the All India Institute of Medical Sciences (AIIMS), Delhi, which is going to examine the petitioner on 25.08.2018 in this behalf; and that the requisite certificate shall be furnished to the respondent No.4 school immediately thereafter.

6. In view of the foregoing, subject to the petitioner complying with the requirement of furnishing a certificate of disability, as aforesaid, in accordance with law, by 28.09.2018, the respondent No.4 school, as well as, the Directorate of Education is directed to grant the petitioner provisional admission forthwith, subject to fulfillment of other conditions and permit him to resume his studies, expeditiously.

7. With the above directions, the writ petition is disposed of. The pending application also stands disposed of.

**SIDDHARTH MRIDUL
(JUDGE)**

AUGUST 06, 2018/dn