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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 6151/2017 & C.M. APPL. No. 25598/2017

MASTER ABHINAV KUMAR YADAV(MINOR) THROUGH HIS
NATURAL FATHER DINESH KUMAR Petitioner

Through: Ms. Mahima Rathi, Advocate.

versus

DIRECTOR EDUCATION, DIRECTORATE OF EDUCATION &
ORS Respondents

Through: Mr. Santosh Kr. Tripathi with
Mr. Shashank Shekhar Tiwari,
Advocates.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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08.02.2018

Vide the present petition, the petitioner has prayed for a direction to the respondents to grant admission to him in the respondent no. 3 school under the EWS category. The basic plea raised by the petitioner is that even though the petitioner falls in the 0-1 kilometre category, children under the next categories of 1-3 kilometres or 3-6 kilometres have been accommodated in the said school by ignoring the case of the petitioner.

Learned counsel appearing for the respondent nos. 1&2 submits that this anomaly has arisen only because some children, who were actually selected in the category of 0-1 kilometre for admission under the EWS category in some other schools, could not be granted admissions there due to various reasons including closure of schools,

those schools being minority schools and non-existence of Nursery class in those schools and had to therefore be accommodated first, before considering the remaining children including the petitioner.

Learned counsel appearing for the petitioner submits that this practice being followed by the respondent is leading to grave hardship and as per her instructions at least about 30 per cent of the children being admitted in some schools, actually belong to the the 1-3 kilometre category, while many children in the 0-1 kilometre category who are not being granted admission in any school under the EWS category. In view of the explanation given by the respondent, the learned counsel for the petitioner does not wish to press the present petition any further. However, it is deemed appropriate to direct the respondents that in future they should be more careful in calculating available vacancies before starting the draw of lots so as to ensure that instead of children in 0-1 kilometre category being given preference, only the children in the categories of 1-3 kilometres/3-6 kilometres are being accommodated.

With these observations, the writ petition is disposed of as not pressed further.

REKHA PALLI, J

FEBRUARY 08, 2018

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