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

+ W.P.(C) 2064/2017 & CM No.9025/2017

MURARI LAL

..... Petitioner

Through: Mr.N.K. Upadhyay, Adv.

versus

THE HERITAGE SCHOOL AND ORS

..... Respondents

Through: Ms.Namitha Mathews with
Ms.Poorva Pant, Adv. for R-1.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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06.03.2018

Vide the present petition, the petitioner has prayed for a direction to respondent No.1 to grant admission to his ward Ms.Nupur in class-II in the academic session 2016-2017 under the EWS/Freeship category.

Learned counsel for the petitioner submits that despite having notified 3 vacancies in the EWS category on 02.12.2016, the respondents have refused to grant admission to the petitioner's daughter, who was entitled to get admission in the EWS category.

Upon notice, both the respondents have filed their counter affidavits wherein a consistent stand has been taken by both the respondents, that there was no vacancy in Class-II in the EWS category in respondent No.1 and the notification dated 02.12.2016 had been erroneously and inadvertently issued depicting 3 vacancies

and the same was recalled immediately on 05.12.2016 when the aforesaid error had come to the notice of the school.

Learned counsel for the petitioner is unable to show any document or any other pleading in support of his oral contention that the aforesaid correction was in any way erroneous or that there was any vacancy in the EWS category in Class-II in the respondent No.1-school in the academic year 2016-2017. He however, submits that the petitioner had again submitted a fresh application on 15.05.2017 to respondent No.1-school for granting admission to his daughter in the next academic year, which, according to him, had remain unanswered. On the other hand, learned counsel for the respondent No.1 submits that the said application was duly replied and it was informed to the petitioner that there was no vacancy in the EWS category to accommodate the petitioner's daughter.

Having considered the rival contentions of the parties and perused the record, I find that the only prayer in the petitioner is to direct respondent No.1 to grant admission to the petitioner's daughter in Class-II in the EWS category in the academic year 2016-2017. Once the consistent stand of both the respondents is that there was no vacancy in the Class-II in the EWS category in the academic year 2016-2017, no relief of any kind can be granted to the petitioner.

The petition being meritless is dismissed with no order as to costs. The pending application also stands disposed of.

REKHA PALLI, J

MARCH 06, 2018/gm