

\$~15

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

+ W.P.(C) 7566/2017

SOCIAL JURIST, A CIVIL RIGHTS GROUP..... Petitioner

Through: Mr.Ashok Aggarwal, Adv.

versus

GOVT. OF NCT OF DELHI

..... Respondent

Through: Mr.Naushad Ahmad Khan

ASC for GNCTD.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

%

19.02.2018

1. This writ petition makes a general complaint that hundreds of children in the age groups of 6-14 years were denied admission to Government schools in Delhi. So far as the grounds for denying admission by school were concerned, it is submitted by Mr. Ashok Aggarwal, learned counsel for the petitioner that reasons included non-production of *inter alia* proofs of residence; original transfer certificates from previous school; report cards amongst other lame excuses. Such denial is, according to Mr. Aggarwal, in gross violation of the fundamental right to education guaranteed under Article 21(A) of the Constitution of India as well as the right of every child to education under the statutory provisions of the Right to Education Act, 2009.

2. Primarily on these averments, the writ petition prays for issuance of directions to the Respondent to grant admissions to children left out in the academic years 2017-18.

3. The Respondent-Government of NCT, Delhi, has filed a detailed counter affidavit dated 11th December, 2017 pointing out the steps taken to ascertain particulars of children who have been left out of school education. These steps can be enumerated as follows:

a) On receipt of the representation of the petitioner, the writ petition and the order from this Court, the concerned Deputy Directors of Education, directed the DURCC (District Urban Residence Centre Coordinator) for taking necessary steps to ensure admissions to all students deprived of the same.

b) The information received from the DURCC was transmitted to the concerned Cluster Resource Centre Coordinator (CRCC) for specific visits to all such students to facilitate their admissions in respective classes in accordance with their age group as per the provisions of the Right to Education Act, 2009.

c) To ascertain the whereabouts of untraced students, letters were posted and the CRCC was sensitized for identification of them.

4. The counter affidavit lists out details of the students who had been identified by the writ petitioner, those who have been granted admission and also the children who could not be traced out despite best efforts of the Dy. Director of Education as well as the District Urban Resource Centre Coordinator. The efforts made in this regard have also been set out in the counter affidavit.

5. Additionally, to obviate the possibility of children being deprived of education, the Directorate of Education has issued a Circular No. DE. 23

(363)/Sch.Br./2017/1141-46 dated 26th May, 2017 which stipulates that the admission will not be denied to any specially abled child, destitute child refugees/asylum seeker, homeless, migrant, orphan or child in need of care and protection in any Government School due to non availability of essential documents at the time of admission in the school.

6. Mr. Naushad Ahmaed Khan, learned ASC has drawn our attention to Clause (iii) and (vi) of the Circular dated 26th May, 2017 which reads as follows:

“(iii) Provisional admission for 30 days will be allowed ensuring the age appropriate Class norms of RTE Act, on the basis of simple undertaking on plain paper by the parents/guardians.

(vi) Even if a student has not attended any institution of formal education then also admission will be granted to such a child on the basis of undertaking on plain paper by the parent”.

(Emphasis by us)

These provisions of the circular, issued by the Respondent, manifest that every effort is being made by the Respondent to ensure that no child is deprived of education on account of red-tapism and inability to complete formalities.

7. The respondent has placed a second Circular No.DE.23(363)/Sch.Br./2017/1795 dated 08th August 2017, before us which stipulates that admission would be provided in the ‘age appropriate Class’ throughout the year to the students upto the age of 14 years. This circular further clarifies that no student/child is to be denied admission due to the non-availability of Aadhaar Card/EID number.

8. The counter affidavit reports compliance with the binding obligation of the State to ensure the fundamental rights guaranteed under the Constitution of India as well as to ensure the directive principles of State policy providing social justice to the under privileged, especially so far as their right to education is concerned.

9. In view of the above, it is clear that the Respondent is conscious of its Constitutional and statutory duty to ensure that all children of the school going age are ensured admissions to the Government Schools in Delhi and are working towards this end.

In view thereof, no further orders are called for in this writ petition.

Petition stands disposed of.

Dasti.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

FEBRUARY 19, 2018

neelam