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

+ W.P.(C) 8744/2017 & CM No.35836/2017

MASTER NAMAN TYAGI THROUGH GEETA TYAGI AND  
ORS. .... Petitioners

Through: Mr.Rajat Malhotra, Advocate.  
versus

RUKMANI DEVI JAIPURIA PUBLIC SCHOOL AND ORS.

..... Respondents

Through: Dr.M.Y. Khan, Advocate for R-1.  
Mr.Sachin Nahar, Advocate for R-2  
with Mr.Anil Kaushik, L.A..Zone-7.  
Mr.Amit Bansal & Ms.Seema Dolo,  
Advocates for R-3.

**CORAM:**

**HON'BLE MS. JUSTICE REKHA PALLI**

**ORDER**

% **07.02.2018**

The petitioners being aggrieved by the action of respondent No.1 whereby they claim to have been prevented by the respondent No.1 from attending classes, have approached this Court seeking various reliefs including a direction to respondent No.1 to allow them to attend classes.

Learned counsel for the petitioners submits that despite repeated orders from this Court and letters sent by the petitioners through counsel, the petitioners have been marked absent in the school even when they were attending the school. On the other hand, Mr.Khan, learned counsel for respondent No.1 vehemently refutes the

claim of the petitioners. He submits that despite various letters issued by respondent No.1, the petitioners have deliberately not been attending the school and submits that the school has always been willing to permit the petitioners to attend.

Mr.Khan, learned counsel for the respondent No.1 submits that since they have never stopped the petitioners from attending the school, they have no objection if the petitioners are accompanied by their counsel to the school tomorrow. The statement given by the respondent No.1 is taken on record. In view of the fair stand taken by both counsels, it is directed that learned counsel for the petitioners would be allowed to accompany the petitioners to the school tomorrow. It is hoped that now onwards the petitioners would attend school regularly and the School Authorities will render all possible assistance to them in order to make up the deficiency for the classes which they may have missed.

Learned counsel for the respondent No.1 further submits that while petitioner Nos.2 and 3 belonging to the EWS category are not liable to pay any fees, the petitioner No.1 who belongs to general category has not even deposited the arrears of the school fees or the charges towards the registration payable to respondent No.3-CBSE. Learned counsel for the petitioners undertakes to deposit the entire arrears of the fee and other applicable charges including registration charges payable to respondent No.3 within three days.

Learned counsel for the petitioners expresses an apprehension that in view of the stand taken by the respondent that the petitioner No.1 who is a student of Class-IX has not been attending the school,

the respondent No.3 despite having registered him for class IX, may not permit him to appear in Class IX and subsequent Class X board exams on the ground of deficiency of attendance. He therefore, prays that in the facts of the case, the respondent No.3 may be directed to relax the condition of attendance in respect of the petitioner No.1 for Class IX. Mr.Khan, on instructions from the Principal of the School, who is present in Court, submits that the school will not oppose the petitioner No.1's prayer for grant of relaxation in respect of attendance, if necessary and permissible under the rules and would grant all necessary assistance to him in this regard. In view of the fair stand taken by the respondent No.1, the petitioner No.1 is granted liberty to submit an appropriate application to respondent No.3 which would be duly forwarded to respondent No.3, who will consider the case of petitioner No.1 for relaxing the attendance criteria, if needed, in accordance with its Rules. It is hoped that in the peculiar facts of the cases, respondent No.3 will consider the case of petitioner No.1 sympathetically.

The petition is disposed of with the aforesaid directions. In case, the petitioner is aggrieved by any order passed by the respondents, he will be entitled to take legal recourse as permissible under law.

**DASTI.**

**REKHA PALLI, J**

**FEBRUARY 07, 2018**

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