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

+ W.P.(C) 9400/2017 & CM APP No. 38300/2017

JUSTICE FOR ALL Petitioner
Through: Mr.Khagesh B. Jha, Adv.

versus

GOVERNMENT OF NCT OF DELHI Respondent
Through: Mr.Sanjoy Ghose, Adv. for GNCTD
and Ms.Urvi Mohan, Adv.

CORAM:

**HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR**

ORDER

% **19.02.2018**

1. Let the petitioner be furnished with copies of the Circulars dated 26th May 2017 and 08th August 2017 which have been placed by the respondent before us in Writ Petition (Civil) No.7566/2017. These circulars appear to address the grievance of the petitioner in the present case that the respondents are not granting admission to under privileged children family without Aadhaar Card.

2. The petitioner in W.P.(C) No.7566/2017, Mr. Ashok Aggarwal, had made the same prayer as has been made in the present writ petition, which points out the circulars dated 03rd March 2017 and 28th March 2017 are disclose requirement of documentation in the nature of BPL cards, ration cards, domicile certificate of child or parents, original date of birth certificate issued by MCD or any other local bodies and Aanganwadi record etc. for grant of admissions in Sarvodaya Vidyalaya through the online module in

nursery (3+) and KG/Class-I (entry class) as well as in classes XI & IX for non-plan admission.

3. We extract hereunder the Circular dated 03.03.2017.

***“GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DIRECTORATE OF EDUCATION : SCHOOL BRANCH OLD SECRETARIAT :
DELHI -110054***

F.NO.: DE.23(32)/Sch.Br./2017-18/316

Dated:3/3/2017

CIRCULAR

Sub: Guidelines for parents of Children Seeking Admission in Sarvodaya Vidyalayas through Online Module in Nursery (3+) & KG/Class-I (Entry Class).

1. Online application forms for admission to Nursery & KG/Class-I (Entry Class) in Government Sarvodaya Vidyalayas of the Directorate of Education, Govt. Of NCT of Delhi will be submitted by the parents between 04.03.2017 (Saturday) to 18.03.2017 (Saturday) (both days Inclusive) on Department's website www.edudel.nic.in the link "Govt. Schools Admission".
2. The parents will provide the following details while filling the application form online:
 - a) Aadhaar Number i.e. UID/EID of the child.
 - b) One passport size photograph of the child.
 - c) Bank Account Number of the child along with name of the Bank's Branch & its IFSC.
 - d) Date of Birth of Child.
3. Documents to be submitted for verification at the time of admission:-
 - (i) Original Date of Birth Certificate issued by MCD or any other local body.
 - (ii) Anganwadi record.
 - (iii) Hospital/Auxiliary Nurse and Midwife (ANM) register record.
 - (iv) An undertaking by the Parents regarding Date of Birth as per Part-B of the Application Form.
 - Anyone of the following documents as residence proof:-
 - (i) BPL Card/Ration Card issued in the name of parents having name of the child.
 - (ii) Domicile certificate of child or parents.
 - (iii) Voter I card of any of the parents.
 - (iv) Electricity bill/MTNL telephone bill/Water bill in the name of parents.
 - (v) Bank Passbook in the name of child or parents.
 - (vi) Aadhar Card of child/parents issued by GOI.

(vii) Driving licence of parents.

- Certificate of Case (in case of SC/ST/OBC).
- Certificate of disability (in case of divyangs)

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4. The Circular dated 28.03.2017 also deserves to be extracted in extenso and reads as follows.

**GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF
DELHI DIRECTORATE OF EDUCATION: SCHOOL BRANCH
OLD SECRETARIAT: DELHI-110054**

No. DE.23(363)/Sch.Br./2017-18/475-78 Dated:28/3/2017

CIRCULAR

Sub: Guidelines for Heads of Schools and Parents of Children Seeking Admission in Govt. Schools through Online Module in Classes VI & IX under NON-PLAN ADMISSION.

Online application forms for Non-Plan admission of Classes VI & IX in Government Schools of the Directorate of Education, GNCT of Delhi will be submitted by the parents w.e.f. 17.04.2017 (Monday) on Department's website www.edudel.nic.in at the link "Govt. Schools Admission" as per following schedule:

Registration from 17.04.2017 (Monday) to 29.04.2017 (Saturday).

- The parents will provide the following details while filling the application form online:
 - a) Personal detail like name, Father's, mother's name and residential address.
 - b) Aadhaar Number/UID of the child.
 - c) Bank Account Number of the child along with name of the Bank's Branch & its IFSC.
 - d) Date of Birth of Child.
- Documents to be submitted for verification at the time of admission:
 - i. One passport size photograph of the child.
 - ii. **For Class VI:** School leaving certificate of a recognized school OR Original Date of Birth Certificate issued by MCD or any other local Body OR An Undertaking by the Parents regarding Date of birth as per Part-B of the Application Form.
For class IX: School leaving certificate of a recognized school.
 - iii. Mark sheet of previous class pass (V for class VI and VIII for class

IX).

- iv. *Anyone of the following documents as residence proof:*
 - ✓ *BPLCard/Ration Card issued in the name of parents having name of the child.*
 - ✓ *Domicile certificate of child or parents.*
 - ✓ *Voter I card of any of the parents.*
 - ✓ *Electricity bill/MTNL telephone bill/water bill in the name of parents,*
 - ✓ *Bank Pass book in the name of child or parents.*
 - ✓ *Aadhar Card of child/parents issued by GOI.*
 - ✓ *Passport in the name of any of the parents/child.*
 - ✓ *Driving Licence of parents.*
- v. *Certificate of Caste (in case of SC/ST/OBC).*
- vi. *Certificate of disability (in case of Divyangs).*
- *Parents will select 5 Govt. Schools as per their preference.*
- ***For Class VI: The application forms of only those students will be considered for admission who have completed the age of 10 yrs but less than 12 as on 31.03.2017 (for Class VI).***
- ***For Class IX: The application forms of only those students will be considered for admission who have completed the age of 13 yrs but less than 15 as on 31.03.2017.***
- *Further, the age relaxation is also being granted in the maximum as well as minimum age for 6 months for Classes VI & IX in all Govt. Schools of Directorate of Education.*
- *Parents will be solely responsible for the correctness of the Information submitted online by them in the registration form.*

For Class VI:

- ***Mere submission of online application form does not guarantee the admission in a desired Govt. Schools as admission will be done through online module as per number of seats available in a particular Govt. School.***

A school may be allotted to student online depending on availability of seats in the school which may be other than the preferred schools, at nearest available School from his/her residence.

For Class IX:

- ***Mere submission of online application form does not guarantee the admission in a Govt. Schools as admission will be done through online module as per number of seats available in a particular Govt. School.***
- *Admission to selected students through online will be confirmed only after the physical verification of selected students through online will be confirmed only after the physical verification of requisite documents by the concerned Govt. School.*
- *Parents have to take print of the registration form after submission as*

acknowledgement.

General Instructions:

- *The list of Govt. Schools along with the number of vacant seats for admission is available on our website.*
- *Online declaration of school wise list of selected students and submission of documents for admission of class IX will be as per following schedule:*

Declaration of list of selected Student: 02.05.2017(Tuesday),

Submission of documents for admission:

from 03.05.2017 to 08.05.2017.

- *The Head of concerned Govt. Schools will display the display the list of students selected for admission online³ on school Notice Board on the same day.*
- *Admission will be done within the above mentioned scheduled period on submission and physical verification of requisite documents in the respective Govt. School, failing which the seat will be given to other applicant.*
- *No transfer of student/change of School will be allowed after admission*

This issue with prior approval of the competent authority.

*(DR. (MRS.) SUNITA S. KAUSHIK)
ADDL.DE (Schools)”*

5. In the counter affidavit filed in the W.P.(C) 9400/2017, the GNCTD has taken a stand that it has no responsibility in respect of children upto Class V and that this is the responsibility of the Municipal Corporations of the local bodies. This position is disputed by Mr. Khagesh B. Jha, Advocate. We express no opinion on this submission. It shall be open for the writ petitioner to raise this position by way of any appropriate proceedings.

6. As noted in our final order dated 19th February, 2018 in W.P (C) 7566/2017, the grievance of the petitioner made in the writ petition also stand addressed. Therefore, no further orders are called for in this petition. The writ petition stands disposed of.

CM APP No. 38300/2017

7. In view of the orders passed in the writ petition, this application does not survive for adjudication. The same is disposed of.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

FEBRUARY 19, 2018
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