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

+ W.P.(C) 12887/2019

DWARKA SAWALE Petitioner

Through: Petitioner-in-person.

versus

DIRECTORE OF EDUCATION Respondent

Through: Mr. Santosh Kumar Tripathi, Adv. for
R-1/DOE.

Mr. Puneet Mittal, Sr. Adv. with Mr.
A. Gupta and Mr. R.P. Singh, Advs.
for R-2/school.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

27.02.2020

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1. The substantive prayer made in the writ petition is as follows:

“(i) Issue a Mandamus or Direction to the Respondent for the admission of son of the petitioner, in Nursery school, DPS Mathura Road, Delhi or other school in Delhi where seats are remaining vacant which preference has been given by the Petitioner for their child admission.”

2. The petitioner, who appears in person, has approached this Court seeking admission of his ward in nursery grade for the academic session 2019-2020.

3. The writ petition, for the first time, came up for hearing on 6.12.2019. The petitioner's grievance articulated on that date was that his ward was not being allotted seats in Disadvantaged Group category (in short “DG”).

3.1 Thereafter, the matter was taken up on 17.12.2019. On that date, Mr. Santosh Kumar Tripathi, learned standing counsel for the Directorate of Education (in short “DOE”), indicated to the Court that no seats were available in the concerned school i.e. respondent No.2.

3.1 Furthermore, Mr. Tripathi indicated to the Court that as per Circular dated 16.12.2019 issued by the DOE, time for reporting by candidates, who were allotted seats in the EWS/DG category, had been extended till 31.12.2019.

3.2 Mr. Tripathi also indicated that in case the candidates, who had been allotted seats in EWS/DG category did not report to respondent No.2 school by 31.12.2019, the seats allotted to them would be carried forward to the next higher grade.

3. Since respondent No.2 school had not been served, the matter was directed to be listed for further hearing on 28.1.2020. On that date, counsel for respondent No.2 school informed the Court that three (03) seats were available in the EWS/DG category and that admission could be granted only if a direction in that behalf was issued by the DOE.

4. Thereafter, the Court did not convene on the next date i.e. on 03.02.2020. On 17.02.2020, the matter was renotified for 20.02.2020 and, thereafter, for today i.e. 27.02.2020.

5. It is in this backdrop, the matter has been taken up for hearing today.

6. Mr. Tripathi, today, submits that three (3) seats available with respondent No.2 school have been carried forward to the next higher grade i.e. Kindergarten (in short “K.G.”).

6.1 Mr. Tripathi also informs me that the said position is already available on the web-portal of the DOE and, therefore, there would be parents, who would be vying for the seats.

6.2 Mr. Puneet Mittal, learned senior counsel, who appears for respondent No.2 school, also affirms this position.

7. On being queried, the petitioner also informs me that he has applied for admission of his ward in the KG grade. I am informed by the petitioner that, presently, his ward is admitted in nursery grade, in a private school, which is in close proximity to his place of abode.

8. Given the aforesaid position, I am of the view that, at this stage, no relief can be granted to the petitioner as the seats, which were available in the nursery grade, have already been carried forward to a higher grade.

9. The captioned writ petition is, accordingly, disposed of.

RAJIV SHAKDHER, J

FEBRUARY 27, 2020/pmc