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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 13735/2019 & CM APPL. 55348/2019**
AYUSH PAL (MINOR) THROUGH HIS NEXT FRIEND AND
NATURAL FATHER SH. UMESH CHANDER PAL..... Petitioner
Through Mr. Ashok Agarwal and Mr. Kumar
Utkarsh, Advs.
versus
THE HERITAGE SCHOOL THROUGH THE PRINCIPAL & ANR
..... Respondents
Through Ms. Namitha Mathews and Mr.
Poorva Pant, Advs. for R-1
Ms. Shobhana Takiar and Ms. Shweta
Anand, Advs. for R-2

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **28.01.2020**

1. On the previous date i.e. 23.12.2019, the following was recorded by me:

"1. Mr. Ashok Agarwal, who appears on behalf of the petitioner, says that the petitioner's admission has been cancelled on account of the fact that respondent no. 1 school has suddenly discovered that the income-certificate which was filed by the parents of the petitioner discloses that the "annual family income" was more than Rs.1,00,000/-. As per this certificate, the annual income of the parents was Rs. 1,08,000/-
2. Mr. Agarwal says that the petitioner's parents have obtained a fresh certificate from the concerned SDM which shows that the annual income of the parents is Rs.96,000/-.
3. My attention in this behalf has been drawn to Annexure P-2 which is appended on page 17 of the paper book.
4. The record shows that the petitioner had got his lawyer to issue notice to respondent no.1 school. Respondent no. 1 school, apparently, vide reply dated 16.12.2019 responded to

the same.

5. A perusal of the reply shows that the petitioner was admitted, according to respondent no.1 school, in the EWS category in the academic session 2013-2014.

6. Furthermore, the reply also discloses that the petitioner's name was struck off from the rolls of respondent no. 1 school on 31.05.2019.

7. Prima facie, in my view, even if it is assumed that the petitioner does not fall in the EWS category, respondent no. 1 school could not have struck off the petitioner's name from its rolls.

8. The only concern, perhaps, which would have arisen for the respondent no. 1 school was to who was to pay for the education of the petitioner.

9. Furthermore, the reply dated 16.12.2019 of respondent no. 1 school shows that the petitioner has been studying in respondent no. 1 school since pre-school. The petitioner, I am told, is presently in Grade-V.

10. Accordingly, issue notice to the respondents.

11. Ms. Shweta Anand accepts notice on behalf of respondent no.2/GNCTD. '.

12. On steps being taken, notice shall issue via all modes including private mode to respondent no. 1 school.

13. A counter affidavit will be filed within 10 days from today. Rejoinder thereto, if any, be filed before the next date of hearing.

14. For the moment, respondent no. 1 school will readmit the petitioner.

15. In case, respondent no. 1 school is aggrieved by the direction issued by this court, it will have the liberty to approach this court for variation of the order.

16. Renotify the matter on 28.01.2020.

17. Dasti.”

2. Ms. Mathews says that since the earlier Annual Income Certificate disclosed that the income was over the prescribed limit

i.e. Rs.1,00,000/-, the petitioner's name was struck off from the rolls of respondent no.1 school.

3. It is, however, conceded by Ms. Mathew that the certificate dated 27.7.2019 discloses that, presently, the annual family income of the petitioner is Rs.96,000/-.

4. Given this position, Ms. Mathew says that the petitioner can continue in Grade-V in respondent no.1 school.

5. Given these circumstances, the petition is closed.

6. Resultantly, CM APPL. 55348/2019 shall also stand closed.

RAJIV SHAKDHER, J

JANUARY 28, 2020
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