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

% *Decided on: 06.01.2023*

+ **W.P.(C) 146/2023 & CM APPL. 546/2023**

**BABY SUHANI KAPOOR THROUGH HER FATHER SH
DEEPAK KAPOOR** Petitioner

Through: Mr. Lal Singh Thakur, Mr.
Sudhir Tewatia, Mr. Anurag
Srivastava, Mr. Prashant,
Advocates along with father of
petitioner

versus

DIRECTORATE OF EDUCATION Respondent

Through: Mr. Santosh Kumar Tripathi,
Standing Counsel (Civil)
GNCTD, Mr. Arun Panwar,
Mr. Tapes Raghav, Mr.
Pradyumn Rao, Ms. Mehak
Rankawat, Advocates for R-1
(M:9818112250)

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA
[Physical Hearing/ Hybrid Hearing]

MINI PUSHKARNA, J. (ORAL):

CM APPL. 546/2023 (for exemption)

1. This is an application under Section 151 CPC for exemption from filing certified, true typed copies, dim and true copies of annexures.

2. Allowed, subject to just exceptions. Application is disposed of.

W.P.(C) 146/2023

3. The present writ petition has been filed with prayer for

directions to the respondent to allow the petitioner to take admission in 11th Class in any of the school in West Zone having science subjects without mathematics. It is submitted that the petitioner has passed 10th Class examination from Rich Harvest Public School, Janakpuri with flying colors. It is submitted that she has obtained very high marks in 10th Class. However, due to medical condition of the petitioner, she was not able to continue with the schooling in 11th Class. However despite the medical condition of the petitioner, she continued her studies from home, after taking notes from her friends studying in Rich Harvest Public School.

4. It is further submitted that father of the petitioner was earlier running a small shop of bangles at Shalimar Bagh. However, the said small shop of the father was demolished by DDA in the month of April 2018 and since then, father of the petitioner along with other family members is working as a delivery boy to take care of the needs of the family. It is submitted that despite financial constraints faced by father of the petitioner, he has been making every genuine effort to give good education to his two minor school going daughters, i.e., petitioner herein and her sister.

5. It is submitted that the petitioner wants to take science subject without Mathematics in 11th Class.

6. Issue notice. Notice is accepted by Id. Counsel appearing for respondent. He submits that for 11th Class, the registration is done with CBSE by September - October of the Academic Year. Thus, he submits that for the present academic year, i.e., 2022-2023, registration with the CBSE board has already been done in the month

of September-October 2022. Therefore, he submits that at this point of time it may not be feasible for the petitioner to take admission in any school.

7. I have heard learned counsel for the parties.

8. The petitioner has approached this Court only in the month of January 2023, when the academic session 2022-2023 is already almost over and is at its fag end. Term 1 examination of 11th Class are already over and Term 2 examinations are round the corner and would start in approximately the first week of March 2023 in all the schools under the CBSE. Therefore, giving direction for admission of the petitioner at this stage in 11th Class may not be beneficial for the petitioner herself, as it would put undue pressure upon the petitioner for appearing in final examinations of 11th Class, without undergoing formal education in any school. This is specially so, since the petitioner wants to appear in science subjects, which also entails practical examination. Since the petitioner has not attended any practical classes, it may not be feasible for the petitioner to appear for practical examinations and other written examinations at this stage for 11th Class.

9. It may be noted that education in 11th Class is foundation for the studies which are undertaken in 12th Class. Thus, it would not be in the interest of the child herself to take admission in any school at this stage in 11th Class when the current academic session is at its fag end and the final examinations are round the corner.

10. In view of the aforesaid, it is directed that the petitioner may seek admission in any school of her choice for the next academic

session, i.e., 2023-2024 in science subject without mathematics or any other subject in which the petitioner has interest to study.

11. At this stage, Mr. Anurag Srivastava, Id. Counsel appearing for petitioner submits that the father of the petitioner wishes to admit the petitioner in a Government School. He submits that Sarvodaya Kanya Vidyalaya No. 1, C block, Janakpuri, Delhi 110058, having school ID no. 1618017 is near the residence of the petitioner. Thus, he submits that the petitioner wishes to take admission in the aforesaid school.

12. In that view of the matter, directions are given to respondent No.1 Directorate of Education to cooperate with the petitioner in seeking admission to the aforesaid school or any other school in the subjects of the choice of the petitioner for the next academic session 2023-2024 in 11th Class. It is further directed that gap year which the petitioner has entailed due to her medical condition may not be taken as an objection in giving admission to the petitioner in the aforesaid school or any other school of her choice. It is so directed.

13. With the aforesaid directions, the present writ petition is disposed of.

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MINI PUSHKARNA, J

JANUARY 06, 2023

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