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

% *Decided on: 31st May, 2023.*

+ **W.P.(C) 7158/2023 & CM APPL. 27905/2023**

AMARJEET SINGH

..... Petitioner

Through: Mr. Devendra Kumar and
Mr.N.K. Upadhyay, Advs.
(M:8744880124,
Email:devverma4522@gmail.c
om)

versus

THE PRINCIPAL HAPPY HOURS SCHOOL & ORS.

..... Respondents

Through: Mr.Santosh Kumar Tripathi,
SC, GNCTD with Mr. Utkarsh
Singh, Adv. for DOE.
(M:9129829862,
Email:gnctd@gmail.com)
Ms. Nisha Tomar, Adv. for R-
4/DCPCR, (M:9911738450,
Email:nisha31389@gmail.com)
Mr. B.C. Pandey and Mr. S.P.
Kamrah, Advs. for R-1,
(M:9811007851,
Email:bcpandey29@gmail.
com)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

[Physical Hearing/ Hybrid Hearing]

MINI PUSHKARNA, J. (ORAL):

1. The present writ petition has been filed with prayer for directions to the respondent No.1 school to grant admission to the petitioner under Economically Weaker Section (EWS) Category/



Disadvantaged Group (DG) Category in Class – I.

2. The only objection which has been raised on behalf of the respondent school is that the residence of the petitioner is situated approximately 8 kms. away from the school in question.

3. On the last date of hearing, i.e., 24.05.2023, this Court had directed the Directorate of Education (DOE) to consider the said issue. Today learned counsel appearing for the DOE has submitted that it is not possible to allot any fresh school to the petitioner. He further submits that as regards the admissions under EWS/DG category, the criteria of neighbourhood is not followed in strict sense by the DOE, since in view of the fact that there are large number of applicants under EWS/DG category, while the seats under the said category are limited in number.

4. Learned counsel for the DOE further submits that the DOE considers the choice of school as given in the application for allotment of school under EWS/DG category. Further, the distance of the residence of the applicant from the school in question, is also taken into account at the time of allotment of school. He submits that since in the present case the respondent school in question was given as choice No. 2 in the application form, the said school was allotted by the DOE.

5. Learned counsel appearing for the petitioner submits that though the residence of the petitioner may be approximately 8 Kms. away from the school, the petitioner is ready to travel the said distance from his residence to the school.

6. Learned counsel appearing for the respondent school at this



stage submits that the respondent school does not provide any transportation to the area in question where the petitioner is residing.

7. This Court has considered the submission made on behalf of the respondent school that the petitioner is residing at approximately 8 kms. distance from the school. This Court notes that only limited seats are available for admission under EWS/DG category in each of the school, whereas the number of applicants who desire to seek admission under the EWS/DG category are far more in number than the seats available. Therefore, while allotting seats for admission under the EWS/DG category, it may not be possible for the Directorate of Education (DOE) to follow the criteria of neighbourhood strictly. Therefore, it is held that in cases of admission under the EWS/DG category, the schools in question may not insist upon following the neighbourhood criteria strictly.

8. This Court notes that in the present social milieu, the demand for admission under the EWS/DG category is much higher as compared to the number of seats that are available for allotment under the EWS/DG category. Therefore, if seats in a particular school are available under the EWS/DG category, then the DOE is required to allot such schools to the applicants who have applied for admission under the said category. If seats under the EWS/DG category are allowed to go waste, merely on the ground that the applicants who have been allotted such seats do not meet the neighbourhood criteria strictly, then the whole purpose of reservation of seats for admission under the said category will be defeated. The court cannot be oblivious of the noble purpose with which criteria has been developed



for reservation of seats under the EWS/DG category. The social purpose of reservation of seats under the EWS/DG category cannot be allowed to be lost, if such objections with regard to the applicants not meeting the neighbourhood criteria, are entertained especially when admissions under the EWS/DG category are involved.

9. This order is being passed keeping in view the fact that the children belonging to the weaker sections of the society are to be given equal opportunities for education in good schools, so that such students are able to come in the mainstream of the society. However, it is directed that the DOE shall make endeavour, as far as possible, to allot schools which are nearest to the residence of the students in question.

10. In view of the aforesaid, the objections as raised by the respondent school with respect to the distance of the residence of the petitioner herein from the school in question, is rejected. The respondent school is directed to forthwith grant admission to the petitioner in Class – 1 under the EWS/DG category.

11. The petitioner is directed to approach the respondent school forthwith with all the requisite documents.

12. It is clarified that since it is the case on behalf of the respondent school that the school does not provide any transportation to the area in question where the petitioner resides, the petitioner shall make his own arrangement for travel from his residence to the school and shall not insist for providing transportation to him, in case no transportation is provided by the school to the area in question where he resides.

13. With the aforesaid directions the present writ petition is



disposed of, along with pending application.

MINI PUSHKARNA, J

MAY 31, 2023

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