



2024:DHC: 720



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

+ **W.P.(C) 420/2021**

SARABJEET SINGH SETHI

..... Petitioner

Through: **Mr. Ramjee Pandey, Advocate**

versus

**DEPUTY DIRECTOR OF EDUCATION,
NORTH WEST, GOVERNMENT OF NCT DELHI
& ORS.**

..... Respondents

Through: **Mr. Dhruv Rohatgi and Mr.
Devadathan Jayachandran, Advocates for R1
Mr. Abhinav Chauhan for Mr. Praveen
Mahajan, Advocate for R2**

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

31.01.2024

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1. Respondents 3 and 4 have remained absent after 8 August 2022, though they were represented by counsel on said date. They have subsequently been absent on 25 November 2022, 17 April 2023 and 11 September 2023. They are unrepresented today as well. In these circumstances, court notice had already been directed to be served on Respondent 3 and 4 on 17 April 2023. The Registry's report reveals that court notice was also served on the said respondents. Despite this, they have chosen not to appear, giving the distinct impression that they are not interested in contesting this matter.



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2. Indeed, the dispute in this case is hardly one which could be seriously contested by the respondents. The petitioner happens to be the biological father of Gunneet Singh Sethi (hereinafter “Gunneet”) who was born to the petitioner and Respondent 4 Damanjeet Kaur on 13 March 2006. This fact is acknowledged by Respondent 4 as well, in the very opening paragraph of her counter affidavit.

3. Gunneet was admitted on 1 April 2012 to the Aravali International School. He left the school on 16 April 2013. The School Leaving Certificate of Gunneet dated 16 April 2013 records the name of the petitioner Sarabjeet Singh Sethi as his father. Gunneet thereafter took admission in the Guru Harkishan Public School (GHPS), Hemkunt Colony on 18 April 2013. He studied in the said school till March 2016. In the records of the GHPS as well as in the school leaving certificate dated 30 March 2016 issued by the GHPS, too the petitioner Sarabjeet Singh Sethi is recorded as the father of Gunneet.

4. Thereafter, it appears that certain matrimonial disputes arose between the petitioner and Respondent 4 Damanjeet Kaur, culminating in the annulment of their marriage by a decree of divorce dated 4 June 2015 passed by the learned Family Court, Rohini.

5. The grievance of the petitioner is that, in the records of the Srijan Public School, to which Gunneet took admission after leaving the GHPS, his name, i.e. Sarabjeet Singh Sethi does not figure in the records and, instead, the name of Amarjeet Singh, the second husband of Damanjeet Kaur has been recorded as the guardian of Gunneet. The



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school, in its counter affidavit, has stated that the entry was made as per the admission form which was filled in by Damanjeet Kaur in which she scored out “father’s” in the column “father’s name” and replaced it with “Guardian’s”, entering the name of her present husband Amarjeet Singh as the guardian of Gunneet.

6. The petitioner has approached this Court in these circumstances by means of the present writ petition, seeking a direction to the Srijan Public School to correct its records and reflect the name of the petitioner as the father of Gunneet.

7. The school has responded by stating that it has no objection to the prayer of the petitioner being granted and stating it had entered the name of Amarjeet Singh as the guardian of Gunneet as per the form filled in by Respondent 4 at the time of admission of Gunneet to the Srijan Public School.

8. Damanjeet Kaur was also impleaded in the present proceedings as Respondent 4. As is already noted at the commencement of this judgment, she has not chosen to participate in these proceedings after 8 August 2022.

9. In her counter affidavit, Damanjeet Kaur does not dispute that the petitioner is in fact the father of Gunneet. She only states that her relations with the petitioner are so acrimonious that she does not “want to carry the legacy of the name of the petitioner to be linked with her minor son Gunneet” as Amarjeet Singh, her present husband



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has accepted Gunneet as his own son and showers fatherly love and affection upon him.

10. In fact a reading of the assertions in the counter affidavit of Damanjeet Kaur reveals that they are driven more by emotion than by law. Howsoever, acrimonious the relationship between Damanjeet Kaur and the petitioner may be, neither can the nature of the relations between them, nor the divorce that has taken place between Damanjeet Kaur and the petitioner, divest the petitioner of his stature as the father of Gunneet.

11. When the petitioner was alive, there was no justification for Respondent 4 Damanjeet Kaur to score out 'father' in the admission form of Gunneet in the Srijan Public School and replace it with 'guardian' and enter, against the said entry, the name of the present husband Amarjeet Singh. Respondent 4 has every right to have her name reflected in the school record as the mother of Gunneet. That, however, cannot authorise her to refuse the petitioner the right to have his name also entered in the said school as the father of Gunneet. The dissolution of a marriage does not efface the parental status of the mother and father of the child borne out of the said marriage.

12. The prayer of the petitioner to have his name reflected in the record of the Srijan Public School as the father of Gunneet therefore cannot be refused.

13. In these circumstances, this Court deems it appropriate, while



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allowing the prayer of the petitioner to have his name reflected in the record of the Srijan Public School as the father of Gunneet, to direct the school to reflect, alongside, the name of Damanjeet Kaur as his mother.

14. The school is directed to take necessary corrective steps within a period of two weeks from today.

15. This writ petition stands allowed in the aforesaid terms with no orders as to costs.

C.HARI SHANKAR, J

JANUARY 31, 2024

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Click here to check corrigendum, if any