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

+ LPA 86/2024 & C.M.Nos.5890-5893/2024

ADRIEL HIGH SCHOOL

..... Appellant

Through: Ms.Swati Surbhi with Mohd. Shahid,
Advocates.

versus

MASTER VIHAN VATS & ANR.

..... Respondents

Through: Mr.Vivek Kumar Tandon with
Ms.Perna Tandon, Mr.Darshnik
Narang and Ms.Kanika Rathore,
Advocates for R-1.
Mr.Santosh Kumar Tripathi, standing
counsel with Mr.Arun Panwar,
Mr.Pradyumn Rao, Mr.Utkarsh Singh
Mr.Kartik Sharma, Ms.Prashansa
Sharma, Mr.Rishabh Srivastava and
Ms.Nikita Vir, Advocates for R-2.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

01.02.2024

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1. Present appeal has been filed challenging the impugned order dated 22nd December, 2023 passed by the learned Single Judge in W.P.(C) No.16683/2023 whereby the respondent no.1's request for availing admission in the appellant-School in nursery/pre-school under the EWS/DG category for the academic session 2023-24 was allowed on the ground of availability of vacancies in class nursery/pre-school under the EWS/DG category calculated as per declared/approved seats.



2. Learned counsel for the appellant states that the respondent no.1 never opted for the appellant-School as his 'Selected School' in his admission form, as down loaded from the DOE Portal. She further states that respondent no.2/ DOE failed to appreciate that the mandatory "neighbourhood criteria" was not fulfilled on account of distance of 5.5 kms between the respondent no.1's house and the appellant-School.

3. However, perusal of the paper book reveals that the appellant's review petition being R.P.No.10/2024 is pending consideration before the learned Single Judge and the next date of hearing in the said review petition is 23rd February, 2024.

4. Accordingly, the present appeal is dismissed along with the applications. Since there is no stay of the impugned order, the appellant is directed to comply with the impugned order forthwith.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 1, 2024
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