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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **LPA 101/2024 and CM APPL. 7385/2024, CM APPL. 7386/2024,**
CM APPL. 7387/2024

GOVT OF NCT OF DELHI

..... Appellant

Through: Mr. Santosh Kumar Tripathi, Standing
Counsel (CIVIL), GNCTD with Mr.
Arun Panwar, Mr. Pradyumn Rao,
Mr. Utkarsh Singh, Mr. Kartik
Sharma, Mr. Prashansa Sharma, Mr.
Rishabh Srivastava, Ms. Nikita Vir,
Advocates.
Mr. Rajeev Tanwar, OSD, Litigation,
PSB, DOE

versus

HUSSAIN ALI & ANR.

..... Respondent

Through: Mr. Vivek Kumar Tandon, Mr. Rinku
Tiwary, Ms. Perna Tandon, Mr.
Darshnik Narang, Advocates

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Date of Decision: 7th February, 2024.**CORAM:****HON'BLE THE ACTING CHIEF JUSTICE****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****JUDGMENT****MANMOHAN, ACJ : (ORAL)**

1. The present appeal filed under Clause X of the Letters Patent Act, 1865 impugns the judgment 29th November 2023 ('Impugned Judgment') passed by the learned Single Judge in W.P (C) 14496/2023 whereby the learned Single Judge directed Respondent No.2- Sachdeva Public School



(‘School’) to grant admission to the Respondent No. 1- student in class III for the academic session 2023 – 2024 and further imposed a cost of Rs. 25,000/- on the Appellant- Directorate of Education (‘DoE’).

1.1. The writ petition was filed by Respondent No. 1- student through his father seeking a direction to Respondent No. 2- School to grant admission in Class – III in accordance with the draw of lots held by Appellant- DoE on 19th July, 2023 for the Academic Session 2023-2024. The student had sought admission in the EWS/DG category and had been allotted admission in the said School.

1.2. The facts of the case to the extent relevant for the present appeal are that seat allotted to the Respondent No. 1- student was cancelled by Appellant- DoE vide a communication dated 26th September, 2023 addressed to Respondent No. 2- School on the ground that parents of the Respondent No. 1 had furnished a wrong data with respect to the locality, in the online application submitted on DoE portal. It was stated by the Appellant- DoE that the discrepancy in the address was in relation to the ‘locality’, ‘sub locality’ and ‘sub-sub-locality’ indicated in the application. Pertinently, there was no dispute that the residential address was correctly mentioned in the online application.

1.3. Conspicuously, the said communication dated 26th September, 2023 was not sent to the parents of Respondent No. 1 and therefore, the parents were in dark and were compelled to file the writ petition.

1.4. After considering the rival claims of the parties in the pleadings, the learned Single Judge observed that the allotment of seat made to Respondent No.1 has been cancelled by the Appellant- DoE in a very cavalier and casual



manner. The Court held that Respondent No.1's parents had furnished full and correct residential address and there was no material concealment or misrepresentation in the online application form. The Court specifically noted that the cancellation of the admission was not communicated by DoE to Respondent No. 1. In these facts and findings, the learned Single Judge allowed the writ petition and passed the Impugned Judgment.

2. At the outset, learned Standing Counsel for the Appellant- DoE states that the Respondent No.1- student has been granted admission in Class III as per the directions passed in the Impugned Judgment and the costs have also been paid. He states that therefore, the Impugned Judgement has been complied with.

2.1. He states that the error committed by the Respondent No.1- student in filling information for the 'locality', 'sub locality' and 'sub-sub-locality' is a material error, which led to the DoE erroneously including the student's name in the draw of lots held on 19th July, 2023 for admission to Respondent No. 2- School. He states that the effect of the Court condoning the said error will act against the integrity of the online admission process. He states that by entering the incorrect information in the relevant field of 'locality', 'sub locality' and 'sub-sub-locality', the Respondent No.1- student who was otherwise ineligible was wrongly considered by the Appellant- DoE for this particular School.

2.2. He states that the contents of the communication dated 26th September, 2023 issued by the Appellant- DoE was merited in the facts of the case and the imposition of costs by the learned Single Judge was unjustified.



3. He states that though the residential address was correctly mentioned in Column No. 3, however, the wrong mention of 'locality', 'sub locality' and 'sub-sub-locality' was incorrect. He states that the condoning of such an error would lead to dilution of the online admission system. He states that the Impugned Judgment would set a wrong precedent, which is liable to abuse.

4. This Court has considered the submissions of the learned Standing Counsel and perused the record.

5. The operative part of the Impugned Judgment reads as under:

9. *At this point, reference is made to the tabulated summary insofar as it refers to the petitioner :*

Sl no.	Id of student	Address as per online application form	Locality data chosen by applicant in the online application form				Correct locality data which is to be chosen by the applicant			
			Assembly constituency	Locality	Sub locality	Sub sub locality	Assembly constituency	Locality	Sub locality	Sub sub locality
1										
2	20230262496	N-382 Mangol Puri	Rohini	Manglam Palace	Mangal Palace	Manglam Palace	Mangol Puri	Mangolpuri	Block N	Block N

10. *Evidently therefore, in the application uploaded on the DoE portal, the petitioner had indicated his address as N-382 Mangol Puri (New Delhi). Furthermore, the petitioner had entered 'Manglam Palace' in the field 'locality'; and 'Mangal Palace' against 'sub-locality' in the online application form. This, according to the DoE, is a mis- description since the correct locality, which the petitioner ought to have mentioned, is 'Mangol puri' against the 'locality' and 'Block N' against 'sub-locality'.*

11. A bare perusal of the aforesaid table indicates that the petitioner had clearly stated his complete and correct residential address as N-382 Mangol Puri, which is exactly the same block and locality, as indicated by the DoE itself in the tabulated summary above.

12. *According to the DoE mentioning, 'Manglam Palace' as the locality and 'Mangal Palace' as the sub-locality – only to fill all the various required fields - in the online application form constitutes misdescription, even though the petitioner had clearly stated his complete and correct residential address*



as N-382 Mangol Puri. According to the DoE, the above so-called misdescription invites the following scathing observation in the letter cancelling the petitioner's seat:

".....the applicants with a mala-fide intention manipulated with the locality data by selecting wrong Assembly Constituency/Locality/Sub-locality/Sub-Sub-locality as available to them, during the time of filing online application under the said category on the Departmental website"

13. On being queried, learned counsel on both sides have confirmed that there is no discrepancy as to the residential address of the petitioner; and even the locality 'Manglam Palace' and sub-locality 'Mangal Palace' mentioned in the online form are places in-and-around the same area.

14. In the circumstances, this court notes with dismay and consternation, the cavalier and casual manner in which an allotment of seat made to the petitioner has been cancelled by the DoE despite the petitioner having given his full and correct residential address in the online application form. Also, the DoE did not even bother to issue any independent communication to the petitioner, informing him of the cancellation of his seat; and a joint communication concerning 09 students was sent only to the school, thereby keeping the petitioner completely in the dark.

15. It is common experience that while filing an online application form, one is often at a loss to understand what is required to be entered in various fields, since such forms are templates designed to account for all kinds of possibilities, requirements and variables, that may apply to some persons but may not apply to all. Evidently, it was only in an effort to file all the 'required fields' in the online application form that the petitioner entered 'Manglam Palace' as the locality and 'Mangal Palace' as the sub-locality - while clearly entering his true and complete residential address in the form on the DoE portal."

(Emphasis Supplied)

6. The learned Single Judge while rejecting the contentions of the Appellant- DoE has recorded that there is no dispute that the Respondent No.1- student disclosed the correct residential address in the online application form. Further, the said Court noted that the locality 'Manglam



Palace' is in-and-around the same area of Mangolpuri. Even before this Court, the Appellant- DoE admits to the said fact finding. In these facts, the learned Single Judge held that the incorrect mention of the 'locality', 'sub locality' and 'sub-sub-locality' as Manglam Palace was not a misrepresentation or material concealment. We are in agreement with the said finding of the learned Single Judge that the mention of Manglam Palace in the facts of this case was not a misrepresentation for the reasons recorded hereinafter.

7. The issue of School admission in the present case pertains to EWS/Freeship category. The Guidelines contained in the circular No. DE.15(1380)/PSB/EWs/2nd onwards/2023/5288-5292 issued by Appellant-DoE dated 09th June, 2023 (Guidelines) lay emphasis on the residential address of the Respondent No.1- student filled online duly supported by residential address documents. The said circular makes no mention of any requirement of identification of 'locality', 'sub locality' and 'sub-sub-locality'. It appears that Appellant- DoE has introduced supplementary fields such as 'locality', 'sub-locality' and 'sub-sub-locality' in the online form, which are in addition to the field of residential address. This supplementary information sought in the online application finds no mention in the Guidelines. Further, the source of selection of the information to be provided in the said additional fields i.e., 'locality', 'sub-locality' and 'sub-sub-locality' is not discernible from the guidelines. For instance, the residential address is to be copied down from the Government issued identification documents such as Aadhaar Card. However, there is no indication/information in the Guidelines, which would make the parents



aware of the source wherefrom the information to be entered in these supplementary fields can be obtained accurately. As is evident in this case that the sub-sub-locality of Manglam Palace entered by Respondent No. 1 and block N are near-by. Thus, the error in entering the said information by Respondent No. 1 has been rightly held by the learned Single Judge to be bona fide.

8. As per paragraph 7 of the said Guidelines¹, the school once allotted to the applicant/student could not have been changed under any circumstances. In the facts of this case, though the Respondent No. 1- student was granted admission in Respondent No. 2- School, however, the decision dated 26th September, 2023 taken by Appellant- DoE to cancel the said admission was never communicated to the Respondent No. 1- student. The harassment caused to the Respondent No. 1- student due to the wrongful cancellation and non-communication of the said decision are good, fair and reasonable ground for imposition of costs as levied in the Impugned Judgment by the learned Single Judge. This is more so considering that the Respondent No. 1's parents belong to the EWS Category and their wherewithal for approaching the Court is limited.

9. With the aforesaid observations, we find that the present appeal is completely devoid of merit and is accordingly dismissed along with applications.

¹ The school once allotted to the applicant through the Computerized draw of lots shall not be changed under any circumstances.



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ACTING CHIEF JUSTICE

FEBRUARY 7, 2024/msh/ms

MANMEET PRITAM SINGH ARORA, J

Click here to check corrigendum, if any

Signature Not Verified

Signed By: MAHIMA
SHARMA
Signing Date: 13.02.2024
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