



2024:DHC:1570



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 2124/2024****BABY ANGEL**

.... Petitioner

Through: Father of the petitioner in
person

versus

SACHDEVA PUBLIC SCHOOL AND ANR. RespondentsThrough: Mr. Utkarsh Singh, Adv. for
Mr. Santosh Kumar Tripathi, SC (Civil) for
DoE**CORAM:****HON'BLE MR. JUSTICE C. HARI SHANKAR****JUDGMENT (ORAL)**

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29.02.2024

1. The petitioner, a student belonging to the Economically Weaker Section (EWS) of society, is of seven years of age. She applied to the Directorate of Education (the DoE), through her father, for admission as an EWS student to Class III in the Respondent 1-school, in accordance with the provisions of the Right of Children to Free and Compulsory Education Act, 2009 ("the RTE Act") and the various Circulars issued by the Directorate of Education (DoE) in that regard.

2. On the basis of details provided by the school, the DoE conducted a computerized draw of lots on 14 March 2023, in which the petitioner was found entitled to admission as an EWS student in Class III in the Respondent 1-school.

3. The grievance of the petitioner is that, despite the aforesaid

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allotment, the petitioner, on visiting the Respondent 1 - school, was denied admission without any reason.

4. As the matter involves the education of a young child, this Court had issued emergent notice on 14 February 2024, returnable today. Respondent 1 was granted time to file counter affidavit.

5. Notice has been served on the school by ordinary process as well as *dasti*. Affidavit of service along with proof of the school having received the *dasti* notice issued in this matter have been handed over across the Bar. The petitioner is directed to place the said proof on affidavit in these proceedings within two days.

6. The school has not condescended to appear when the matter has been called out. No counter affidavit to this writ petition has been filed either.

7. I have heard the father of the petitioner, who appears in person, and Mr. Utkarsh Singh for the DoE.

8. This Court has constantly been adopting the view that, if, on the basis of details furnished by a school in respect of number of EWS/DG seats available with it for the ensuing academic year, the DoE conducts a computerized draw of lots, the students, who are allocated to that school as per said computerized draw of lots, are entitled to admission, and the school cannot deny admission to such students.

9. This view is reflected, *inter alia*, in para 59 of the report of the

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judgment of this Court in *Anjali Pandey v. Sate*¹, which reads thus:

“59. There is, however, another side to the proverbial coin. The DOE, each year, invites data from schools and works out the number of EWS/DG students which the school would have to admit to remain in compliance with the mandate of the RTE Act. The schools are given time to verify the data and report any errors to the DOE. If any school desires exemption, it can also apply to the DOE in that regard as per the procedure envisaged, setting out the reasons for its request. *If, however, a school has neither chosen to seek exemption, nor reported any error to the DOE in respect of the computation of EWS/DG vacancies in a particular year within the time provided by the DOE in that regard, it would be bound to admit the student(s) who, as per the computerized draw of lot that follows, are allocated to its rolls. It cannot, then, turn round and question the computation, by the DOE, of the number of EWS students that it would have to admit that year.*”

(Emphasis supplied)”

10. Inasmuch as the school has neither chosen to respond to the petition despite service, nor enter appearance, it apparently has no defence to offer.

11. The petitioner is entitled to reliefs as sought, as the petitioner has been allotted admission to Class III in Respondent 1 school in the computerized draw of lots conducted by the DoE. The petitioner has a right to such admission.

12. The petitioner is, therefore, directed to be granted admission by Respondent 1 school in Class III as an EWS student. She would be imparted education by the school as an EWS student, in accordance with the RTE Act and the various Circulars and instructions issued by the DoE in that regard. She would also be entitled to all facilities



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provided to EWS students including school uniform, exercise books and the like.

13. This writ petition stands allowed in the aforesaid terms, with no order as to costs.

C.HARI SHANKAR, J

FEBRUARY 29, 2024/rb

Click here to check corrigendum, if any