



2024:DHC:3758



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

+ **W.P.(C) 2845/2024**

BABY GAVYA

..... Petitioner

Through: Mr. Vivek Kumar Tandon, Ms.
Mamta Tandon and Ms. Prerna Tandon,
Adv.

versus

MAXFORT SCHOOL & ANR.

..... Respondents

Through: Ms. Shikha Sharma Bagga,
Adv.

Mr. Utkarsh Singh and Ms. Nikita Vir,
Adv. for Mr. Santosh Kumar Tripathi,
Standing Counsel for DoE

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

JUDGMENT (ORAL)

30.04.2024

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1. The petitioner Baby Gavya belongs to the Economically Weaker Section (EWS) of society. She applied, through her mother, to the Directorate of Education (DoE) for admission as an EWS student at the Nursery entry level. Her application was subjected to a computerised draw of lots by the DoE, resulting in the petitioner being shortlisted for admission to Nursery/Pre-school in the Respondent 1 school for the academic session 2023-2024.

2. As the respondent school did not grant admission to the petitioner, the petitioner has approached this Court by means of the

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present writ petition.

3. By order dated 27 February 2024, this Court directed provisional admission to be granted to the petitioner in Nursery/Pre-school.

4. Ms. Shikha Sharma Bagga, learned Counsel for the respondent school submits that the petitioner approached the school for admission only after the 2023-24 academic session was over.

5. This submission is strongly disputed by Mr. Tandon, learned Counsel for the petitioner.

6. Nonetheless, as the petitioner has an order of provisional order dated 27 February 2024 in her favour, she is entitled to the benefit thereof. Had the provisional order being complied with, the petitioner would have been studying in Nursery/Pre-school.

7. On merits, the case is squarely covered by the plethora of judgments of this Court including *Jai v. Directorate of Education*¹.

8. As the petitioner is the beneficiary of allotment made by the DoE consequent to computerised draw of lots conducted, and as the petitioner has approached this Court during the academic year for which the draw of lots was conducted, she is entitled to relief.

9. Accordingly, the provisional admission to the petitioner as



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granted by this Court on 27 February 2024 is made final. The respondent school is directed to admit the petitioner in class Nursery/Pre-school and to continue to educate the petitioner as an EWS student in accordance with the provisions of the Right of Children to Free and Compulsory Education Act, 2009 (“the RTE Act”).

10. The petitioner would also be entitled to all the amenities to which an EWS child is entitled including textbooks, uniforms and the like.

11. The writ petition is allowed in the aforesaid terms, with no order as to costs.

C. HARI SHANKAR, J.

APRIL 30, 2024

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[Click here to check corrigendum, if any](#)

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