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

+ **W.P.(C) 2849/2024**

MASTER SAMRAAT

.....Petitioner

Through: Ms. Perna Tandon, Mr. Rohin Singh
Pande, Mr. C.P. Rana, Advocates for
Mr, Vivek Kumar Tandon, Advocate

versus

MAXFORT SCHOOL & ANR.

.....Respondents

Through: Mr. Utkarsh Singh, Advocate for Mr.
Santosh Kumar Tripathi, Standing
Counsel for DoE

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER
26.07.2024

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1. This is a case in which the petitioner, through his guardian/father, had applied for admission in Class Nursery/pre-school of the respondent no. 1 School ("*the School*") for the academic session 2023-2024 as a candidate belonging to the Economically Weaker Section (EWS) category. Consequent to a computerized draw of lots held by the Directorate of Education (DoE), the petitioner was shortlisted for admission to Class Nursery/pre-school in the School.
2. Learned counsel for the petitioner states that the interim order of this Court dated 27.02.2024 has been complied with by the School, and the petitioner has been granted provisional admission in respondent no. 1 school



i.e. Maxfort School, Paschim Vihar, New Delhi.

3. Learned counsel appearing on behalf of respondent no. 2/DoE states that the School has already granted provisional admission to the petitioner-child and the same may now be regularized and the writ petition be disposed of.

4. This Court notes that on the first date of hearing i.e. 27.02.2024, when the interim order was passed by the Predecessor Bench of this Court, none had appeared on behalf of the School on advance notice. No appearance on behalf of School was marked on the last date of hearing i.e. 30.04.2024 too. Today also, no one has appeared on behalf of respondent no. 1 school despite service of notice. Thus, it seems that the respondent no. 1 school is not interested in contesting the present petition.

5. The Predecessor Bench of this Court, while passing interim directions on 27.02.2024, had observed as follows:

“3. This Court is inundated with cases in which, despite children having applied for admission under the EWS category to schools, and despite their names having been shortlisted by the Directorate of Education (DoE) for admission to said schools, the schools are refusing admission to the children.

4. This is completely unacceptable.

5. This Court has already held in para 59 of its decision in *Anjali Pandey v. Directorate of Education*¹ that once, on the basis of the data provided by the school to the DoE, the DoE carries out a computerised draw of lots, the school is duty bound to admit the students which, according to such computerised draw of lots, are allocated to that school.

6. The argument that the actual number of general category admissions effected by the school fell short of the number which was declared to the DoE, is not tenable in such circumstances.

18. Though there is no separate application for any interim relief, a prayer has been included in writ petitions itself, seeking that the petitioners be granted provisional admission to the schools to which, as per the computerised draw of lots conducted by the DoE, they have been assigned.



19. As such, the Respondent 1 school, in each case, is directed to grant admission to the petitioners, provisionally, as per the outcome of the computerised draw of lots conducted by the DoE.”

6. This Court is also conscious of the fact that the petitioner herein was granted provisional admission in the month of February 2024, for the academic session 2023-2024, i.e. at the fag end of the session. However, this issue has been addressed by way of detailed observations by the Predecessor Bench of this Court, in a connected petition i.e. *W.P.(C) 2848/2024* titled ‘*Master Arpit v. Adriel High School & Anr.*’, in view of the contentions raised on behalf of the school concerned in that petition, and the petition was disposed of *vide* judgment dated 30.04.2024 and the provisional admission granted to the petitioner therein was regularized. Needless to state, the respondent no. 1 school herein has not contested the present petition, inasmuch as there has been no appearance on their behalf before this Court till date.

7. Thus, considering the aforesaid facts and circumstances, the provisional admission granted to the petitioner-child in this case is made regular. The petitioner herein would continue to be entitled to all the facilities available to EWS/DG students, as has been provided in the RTE Act.

8. Accordingly, the writ petition along with pending application, if any, stands disposed of, in the above terms.

9. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JULY 26, 2024/ns

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