



2024:DHC:3467



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 3022/2024****BABY YADVI**

..... Petitioner

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

versus

VISHAL BHARTI PUBLIC SCHOOL & ANR..... RespondentsThrough: Mr. Devraj Singh with Ms.
Arushi Mehra, Advocates for R-1
Mr. Utkarsh Singh, Ms. Prashansa Sharma,
Advs. for Mr. Santosh Kumar Tripathi, SC
for DoE/R-2**CORAM:****HON'BLE MR. JUSTICE C.HARI SHANKAR****JUDGMENT (ORAL)**

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30.04.2024**W.P.(C) 3022/2024**

1. The petitioner is a child belonging to the Economically Weaker Section (EWS). The petitioner applied to the Directorate of Education (DoE), through her mother, for admission to the KG/Pre-primary class, as an EWS student, for the academic year 2023-2024, in terms of Section 12 of the Right of Children To Free and Compulsory Education Act, 2009 ("the RTE Act"). A computerized draw of lot was conducted on 14 March 2023 by the DoE, resulting in the petitioner being allotted admission to the Respondent 1 School in the KG/Pre-primary class. As the respondent school did not admit the



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petitioner, the petitioner has approached this Court by means of the present writ petition.

2. A number of such writ petitions have already been filed before this Court. This Court has taken a consistent view¹ that, where a student is shortlisted by the DoE for admission to a particular class as an EWS student, that school is duty bound to admit the student unless, within the window provided in that regard, after the seat matrix is uploaded by the DoE, the school represents, and the representation is either not considered or the school obtains a favourable response from the DoE.

3. It does not appear that either of these contingencies apply in the present case, inasmuch as seat matrix was uploaded on 13 January 2023 and, within the period of 5 years provided for representation thereagainst, no representation was preferred by the respondent school.

4. In that view of the matter, the result of the computerized draw of lots conducted by the DoE became binding on the respondent school.

5. As per the computerized draw of lots, the petitioner was entitled to be admitted in the KG/Pre-primary Class.

6. Provisional admission already stands granted by this Court *vide*

¹ Refer **Jai v. DOE, 2024 SCC OnLine Del 2537** and **Arun Kumar v. PP International School, 2024 SCC OnLine Del 2302**



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order dated 29 February 2024. It is stated that, thereafter, the petitioner is studying in the respondent school as EWS student, presently, in Class I.

7. Though Mr. Devraj Singh, learned Counsel for the respondent school sought to contend that the school had already admitted the requisite number of EWS students proportionate to the number of general category students that the school could admit, these are issues, which have been dealt with by this Court on several earlier occasions.

8. The Court has consistently taken a view that the actual number of general category students admitted, even if it is less than the number of students who were notified by the DoE in the uploaded seat matrix, could not constitute a ground for the school to refuse admission to a shortlisted student and that the uploaded seat matrix would be binding on the school concerned, unless the school had represented against it, to the DoE, within the representation window provided by the DoE while uploading the matrix.

9. In view of the aforesaid, the prayer in this writ petition has to be allowed.

10. Accordingly, the provisional admission of the petitioner Baby Yadvi, who is presently in Class I in the respondent school is confirmed and made regular. She would continue to receive education in the respondent school as an EWS student and she would be entitled to all facilities, including school books, uniform etc., to which all such children are entitled.



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11. The petition is accordingly allowed.

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12. This application does not survive for consideration and is disposed of.

C.HARI SHANKAR, J

APRIL 30, 2024

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Click here to check corrigendum, if any