



2024:DHC:1472



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

+ **W.P.(C) 7977/2023**

MANOJ SAINI

.... Petitioner

Through: Mr. Narendra Kumar Upadhyay, Mr. Kuldeep Sharma, Mr. Udhay Bhan Sharma and Mr. Tejpal Singh, Advocates.

Versus

THE PRINCIPAL JAGANNATH

INTERNATIONAL SCHOOL & ANR.

..... Respondents

Through: Mr. Abhay Kaushik and Ms. Himani Babbar, Advs. for R-1

Mr. Utkarsh Singh and Ms. Prasansha Sharma, Advs. on behalf of Mr. Santosh Kumar Tripathi, Standing Counsel (Civil) for DoE

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER (ORAL)

23.02.2024

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W.P.(C) 7977/2023

1. The petitioner's son, Kanav Saini, a student belong to the Economically Weaker Section (EWS), was found entitled and eligible for admission to Class III in the Respondent 1-school (hereafter referred to as "the School") in a computerized draw of lots conducted by the Directorate of Education for the academic year 2022-23.

2. As the School denied him admission, the petitioner approached

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this court by means of the present writ petition.

3. By order dated 31 May 2023, while issuing notice in this matter, a coordinate Bench had directed that one seat in the School in Class III under the freeship category for the academic session 2023-2024 be kept vacant. Mr. Abhay Kaushik, learned Counsel for the School, submits that his client is willing to admit the petitioner in Class III for the academic session 2023-24 but not in Class IV, which is what is indicated in the written submissions filed by the petitioner.

4. Mr. Upadhyay who appears for the petitioner submits that he is only seeking admission to Class III for the academic year 2023-24 against the seat which was kept vacant consequent to the order dated 31 May 2023.

5. Inasmuch as Mr. Abhay Kaushik, learned counsel for the School, has very fairly agreed to accommodate the petitioner as an EWS candidate student in Class III for the academic year 2023-24, this writ petition is disposed of with the direction to the school to grant admission to the petitioner in Class III as an EWS student and continue to educate him as an EWS student in accordance with the provisions of the Right of Children to Free and Compulsory Education Act, 2009, and the rules, regulations and guidelines in that regard. Needless to say, the petitioner would also be entitled to all benefits which EWS students are provided, such as uniforms, exercise books etc.

6. This writ petition is allowed in the aforesaid terms with no

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order as to costs.

CM APPL. 30668/2023

7. The application does not survive for consideration and stands disposed of.

C.HARI SHANKAR, J

FEBRUARY 23, 2024

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

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