



2024:DHC:3515



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

+ **W.P.(C) 8254/2023**

**PARIDHI KUMARI THROUGH HER FATHER MOHAN
KUMAR**

..... Petitioner

Through: Mr. Arkaneil Bhaumik, Adv.
for Dr. Amit George, Adv.

versus

DIRECTORATE OF EDUCATION & ANR Respondents

Through: Mr. Utkarsh Singh, Adv. for
Mr. Santosh Kumar Tripathi, SC for DoE/R-
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Mr. Kamal Gupta, Mrs. Tripti Gupta, Mr.
Sparsh Aggarwal, Mr. Karan Chaudhary,
Mr. Nikhil Kukreja and Ms. Yosha Dutt,
Advs. for R-2

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

J U D G M E N T (O R A L)

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24.04.2024

1. The petitioner in this writ petition applied with the Directorate of Education (DoE) for admission as a student belonging to the Economically Weaker Section of Society (EWS) to the entry level class for the academic year 2021-2022.

2. The application was subjected to a computerised draw of lots conducted by the DoE, pursuant to which the petitioner was found entitled to admission to the Respondent 2-School.

3. As the respondent school did not grant admission to the

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petitioner, the petitioner has instituted the present writ petition before this Court. However, the petition was instituted only in 2023 after the academic year 2021-22 was already over.

4. The prayer in the writ petition is for a direction to the Respondent 2-School to admit the petitioner in the pre-primary class as an EWS student for the academic year 2023-2024.

5. I have already taken a view, in several decisions, that an allotment by the DoE, following a computerised draw of lots, for a particular year in a particular class in a particular school survives only for that year. Once that year is over, the student cannot seek carrying over of the entitlement to admission to the respondent school to the next class. The situation may be different if the student had approached the Court during the year for which the allocation was granted by the DoE, and there was either an order of provisional admission or the order reserving a seat for the petitioner in the respondent school *in that year*.

6. In the present case, though, by order dated 21 December 2023, this Court had directed provisional admission to be granted to the petitioner in KG/Pre-primary as an EWS category student for the academic year 2023-2024, that order was merely provisional in nature. As the allocation of the petitioner by the DOE to the respondent school was to the KG/Pre-primary class for the academic year 2021-2022, the petitioner cannot claim any right to admission in the Respondent 2-School for the academic year 2023-2024.

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7. I have taken this view, *inter alia*, in *Jiya v. Maharaja Agrasen Model School*¹.

8. In view of the said decision, it is unfortunately not possible for this Court to grant relief to the petitioner as sought in the present petition.

9. The petitioner would, therefore, be at liberty to apply for admission as an EWS student in the age-appropriate class to the DoE for the year 2024-2025. In the interregnum, the DoE is directed to provide education to the petitioner as an EWS student in any other appropriate school as is possible.

10. This petition is disposed of in the aforesaid terms.

C. HARI SHANKAR, J.

APRIL 24, 2024

dsn

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