



2024:DHC:2282



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 8259/2023**

ANUJ KUMAR SAH THROUGH HIS FATHER
AMIT SAH Petitioner

Through: Mr. Arkaneil Bhaumik & Mr.
Rayadurgam Bharat, Advs. for Dr. Amit
George, Adv.

versus

DIRECTORATE OF EDUCATION & ANR. Respondents
Through: Mr. Utkarsh Singh and Ms.
Prasansha Sharma for Mr. Santosh Kumar
Tripathi, SC (Civil) for DoE
Mr. Pramod Gupta, Adv. with Dr. Sudershan
Kumar, Adv. for R-2

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER (O R A L)
19.03.2024

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1. The petitioner, who is a student belonging to the economically weaker sections (EWS), had applied to the Directorate of Education (DoE) for admission to the Nursery/Pre-School class in the academic year 2021-2022.

2. The DoE held a computerized draw of lots, on the basis of which the petitioner was allotted admission to the Respondent 2 School ("the School", hereinafter) in the Nursery/Pre-School class in 2021-2022.

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3. The case of the petitioner is that, when he approached the School, the School declined to admit him despite the outcome of computerized draw of lots conducted by the DoE.
4. The petitioner, after over a year of having been informed that he was selected for admission to the Nursery/Pre-School in the School, addressed a representation on 13 December 2022 to the Deputy Director of Education.
5. It is only after the 2022-2023 academic session was also over that the petitioner approached this Court praying for issuance of a writ of mandamus to the School to admit the petitioner in the academic session 2023-2024.
6. By order dated 20 December 2023, this Court directed the School to grant provisional Nursery/Pre-School admission to the petitioner.
7. The academic year is almost over.
8. Mr. Bhaumik, learned counsel for the petitioner, submits that, without entering into the merits of the matter, his client would be satisfied if he is allowed to complete his education in Nursery/Pre-School in the Respondent 2 School in this academic year, but would not seek promotion to the next academic year in the Respondent 2 School in Class I.
9. The petitioner has also filed an additional affidavit, so averring.



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10. Mr. Pramod Kumar Gupta, learned counsel for the School, while seeking to point out that the first representation by the petitioner (through his father) was itself belated and that the petitioner has been absenting from school for some days, submits, fairly, that his client would not object to the petitioner completing his present academic year in Nursery/Pre-School in its institution, subject to the petitioner not seeking any right for continuing in the School in Class I.

11. In cases such as this, one prevailing consideration that the Court has to keep in mind is the fact that the children before the Court are innocents of tender age, who are quite incapable of subterfuge, suppression or the like. I deem it necessary to mention this because, in some cases, a defence is taken that there were errors in the application, or that multiple applications were filed, or that facts were suppressed. While each case in which such an allegation is made would undoubtedly have to be decided on its own facts, the Court has to realize that even if any blame is to be laid, it would be at the door of the parents rather than the children, who are innocent. The ultimate sufferer, in all such cases, is the child.

12. As such, without going into the aspect of whether the first representation was belated, or other such aspects, the Court disposes of this writ petition by permitting the petitioner to complete Nursery/Pre-School in the Respondent 2 School. The petitioner, shall not be entitled, by virtue of this order, to further promotion to Class 1 in the said school.



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13. The petition accordingly stands disposed of, in the aforesaid terms.

C.HARI SHANKAR, J

MARCH 19, 2024/yg

Click here to check corrigendum, if any

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