



2024:DHC:4027



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

+ **W.P.(C) 9401/2023**

MASTER LUV RATHOR

..... Petitioner

Through: Ms. Perna Tandon and Ms.
Mamta Tandon, Advocates

versus

MAXFORT SCHOOL & ANR.

..... Respondents

Through: Ms. Shweta Bari, Adv. for R-1
Mr. Utkarsh Singh and Ms. Prasansha
Sharma for Mr. Santosh Kumar Tripathi, SC
for DoE

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

JUDGMENT (ORAL)

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16.05.2024

1. The petitioner applied to the Directorate of Education (DoE) as an EWS/DG category student for admission to the entry level class in 2023-2024. A computerized draw of lots was held, consequent to which the petitioner was allotted a seat in the KG / Pre-primary class in the Respondent 1 School for the Session 2023-2024. As the respondent-School declined to admit the petitioner, the petitioner has approached this Court by means of the present writ petition seeking a writ of mandamus directing the respondent-School to admit the petitioner in accordance with the outcome of the computerized draw of lots held by the DoE.



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2. This petition has come up for final hearing after the 2023-2024 academic session is over.
3. On 18 July 2023, this Court directed reserving of a seat for the petitioner in Nursery / Pre-Nursery.
4. Unfortunately, the allotment which had been issued in favour of the petitioner was for admission to KG/ Pre-Primary. The level below KG/Pre-primary is Nursery/Pre-School. There is in fact no Pre-nursery class. The order dated 18 July 2023 of this Court has, therefore, to be interpreted as reserving a seat for the petitioner in Nursery / Pre-School in the respondent School.
5. In any event, there is no reservation of any seat for the petitioner in the KG/ Pre-Primary, which was the class to which the DoE found the petitioner entitled to admission as per the computerised draw of lots conducted by it.
6. Inasmuch as there is no order of this Court granting provisional admission to the petitioner in any class, and there is no seat reserved for the petitioner in KG/Pre-Primary, which was the grade to which the petitioner was allotted consequent on the computerized draw of lots conducted by the DoE, following the principle laid down in para 15 of the judgment of this Court in *Ankit Kumar v. GNCTD*¹, it is not possible for this Court, as on date, to grant any relief to the petitioner.



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7. It is not in dispute that, today, the age appropriate class to which the petitioner can seek admission is Class I.
8. In that view of the matter, no relief can be granted to the petitioner.
9. The petition is accordingly dismissed.

C.HARI SHANKAR, J

MAY 16, 2024/yg

Click here to check corrigendum, if any