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

+ **W.P.(C) 7639/2024, CM APPLs. 31790/2024 & 60248/2024**

SANAVI ANAND (MINOR) & ORS.

.....Petitioners

Through: **Ms.Ashim Shridhar and Ms.Radhika
Gupta, Advs.**

versus

GOVT. OF NCT OF DELHI & ORS.

.....Respondents

Through: **Ms.Avni Singh, Adv for R-1.
Mr.Harsh Vardhan Gupta, Adv for
R-3.
Ms.Sakshi Mendiratta, Adv for R-4.
Mr.Keshav Sehgal and Mr.Shivam
Gaur, Adv for R-5.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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14.10.2024

1. Having heard learned counsel appearing on behalf of the parties and in view of the fact that the Court vide order dated 23.08.2024 has already made interim arrangements in the following terms:-

“4. Further, on 21.05.2024, the Division Bench had interacted with parties and had observed that petitioner no.3 herein was not willing to join the company of respondent no. 5 herein and wanted to stay with her parents at Karnal. The petitioner no. 1 and 2, admittedly, at that point of time as well as at present, had expressed their willingness to stay at their maternal grandparents' home at Karnal and to pursue their education from Karnal itself.

5. In view thereof, the Predecessor Bench of this Court, having taken note of the aforesaid petition as well as the facts of the present petition, had passed an order dated 27.05.2024 wherein it was directed that the petitioners, who were studying in DPS Karnal, will be entitled to continue study at the said School, subject to the outcome



of the present writ petition.

6. It is in this background that respondent no. 4 i.e. Delhi Public School, Karnal states that they have no objection in regularizing the provision admission granted to petitioner no. 1 and 2, and respondent no. 2 and 3 have no objection to issuance of transfer certificate.

7. This Court repeatedly made an inquiry from the learned proxy counsel for respondent no. 5 as to whether he had any instructions in this matter, who stated that he wanted to file a counter affidavit. This Court is not inclined to grant any further opportunity to file counter affidavit. However, at the same time, considering that since the main counsel for respondent no. 5 is not present before the Court at 04:35 PM, this Court does not want to pass any final order in his absence.

8. However, at the same time considering that the studies of the children are not affected, it is ordered that the provisional admission granted to the children in DPS, Karnal be regularized and till the next date of hearing, the concerned authority will not take any action against DPS Karnal for having admitted the children to their school in absence of a transfer certificate.

9. It is clarified that since transfer certificate has not been issued due to marital discord, the same cannot be allowed to come in the way of the continuity of the education of the children, nor the school who had accommodated them be harassed. 10. In view thereof, re-list on 14.10.2024. 11. The order be uploaded on the website forthwith."

2. The fact remains that there is a matrimonial dispute between the parents of minor children, petitioner no.1 and 2 respectively, they both have been admitted in respondent no.4-School.

3. The transfer certificate (TC) is required to be issued by respondent no.2 and 3.

4. Keeping in mind the nature of the controversy, the Court finds it appropriate to dispose of the instant writ petition in the following terms:-

- (i) Let the TC be issued by respondent no.2 and 3 with respect to petitioner no.1 and 2 within a period of 15 days from the date of receipt of the copy of the order passed today;



- (ii) Let the TC be produced before respondent no.4-School;
- (iii) The admission of petitioner no.1 and 2 shall be regularised by respondent no.4-School forthwith;
- (iv) With respect to the argument raised by learned counsel for the parties that the admission *de hors* the extant rules is concerned, the Court finds that on account of the matrimonial dispute between the parents of the petitioners, the rights of the minor children should not be adversely affected;
- (v) The Court, therefore, holds that no action shall be taken against respondent no.4-School, which appears to have *bonafidely* acted upon the request made by petitioner no.3. However, it is clarified that the rights and contentions of the husband and wife shall remain unaffected by this order and the fact that the admission of petitioner no.1 and 2 has been granted by respondent no.4-School should not be tilted in favour of any of the parties;
- (vi) The guardianship of the petitioners shall be dealt with strictly in accordance with law without being influenced by any other proceedings.

5. In view of the above, the instant writ petition along with pending applications stand disposed of.

PURUSHAINDR KUMAR KAURAV, J

OCTOBER 14, 2024/MJ