



2024:DHC:3216



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 11579/2023****NIHARIKA (MINOR) THROUGH HER MOTHER POONAM
KUMARI** PetitionerThrough: Mr. Arikaneil Bhaumik, Mr.
Shahswat Kabi, Mr. Adhishwar Suri, Mr.
Rayadurgam Bharat and Mr. Suparna Jain,
Advs. (through DHCLSC)

versus

DIRECTORATE OF EDUCATION & ANR RespondentsThrough: Mr. Utkarsh Singh, Adv. with
Ms. Prasansha Sharma, Adv. for Mr. S.K.
Tripathi, SC for DoE
Ms. Jyoti Taneja, Adv. 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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23.04.2024

1. The petitioner is a student belonging to the Disadvantaged Group Category (DG) of Society. She applied to the Directorate of Education (DoE) for admission to Nursery/Pre-school in the academic year 2023-2024, as an DG category student.

2. Consequent to a computerised draw of lots held by the Directorate of Education (DoE), on 14 March 2023, the petitioner was shortlisted for admission to Nursery/Pre-school in the Respondent 2 school.

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3. Complaining that the respondent-school did not admit the petitioner despite her name having been shortlisted by the DoE, the petitioner approached this Court.

4. On 20 December 2023, this Court directed the petitioner to be granted provisional admission to Nursery/Pre-school as a DG category candidate in the respondent-school in the academic year 2023-2024. Consequent thereto, the petitioner has been studying with the respondent-school as a DG category candidate in Nursery/Pre-school.

5. The issue in controversy in this case is squarely covered by several decisions of this Court including *Jai v. Directorate of Education*¹.

6. This Court has uniformly adopted a view that if a student is shortlisted for admission to a particular school in a particular class for a particular academic year, consequent to a computerised draw of lots conducted by the DoE, and approaches the Court during that academic year, the petitioner would be entitled to a writ of mandamus directing the school to admit the petitioner.

7. In the present case, the petitioner approached the court during the academic year 2023-24. There is already an order of provisional admission in favour of the petitioner.

8. On merits, the case is fully covered by the decision noted

¹ Judgment dated 8 April 2024 in **WP (C) 12113/2023**



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hereinabove.

9. For the aforesaid reasons, this writ petition is allowed.
10. The provisional admission granted to the petitioner *vide* order dated 20 December 2023 is confirmed and is made absolute.
11. The petitioner would be entitled to be continued to be educated by the respondent-school under the DG category and would be entitled to all benefits to which such candidates are entitled.

C.HARI SHANKAR, J

APRIL 23, 2024

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

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