



2024:DHC:1623



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

+ **W.P.(C) 11640/2023**

**KHANAK SHARMA THROUGH HER MOTHER**

..... Petitioner

Through: Mr. Arkaneil Bhaumik and MR.  
Rayadurgam Bharati, Advs.

versus

**DIRECTORATE OF EDUCATION & ANR. .... Respondents**

Through: Mr. Utkarsh Singh, Ms. Nikita  
Vir, Advs. for Mr. Santosh Kr. Tripathi,  
Standing Counsel for DoE

**CORAM:**

**HON'BLE MR. JUSTICE C. HARI SHANKAR**

**ORDER (ORAL)**

**26.02.2024**

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1. The petitioner is a six year old girl. She belongs to economically weaker section (EWS) of the society. In accordance with the provision of the Right of Children to Free and Compulsory Education Act 2009 (the RTE Act), the petitioner applied to the Directorate of Education (DoE) for admission to Class I in the Respondent 2 school (hereinafter “the School”) on 2 March 2022.

2. She seeks, by means of this writ petition, a direction to the School to admit her in Class I.

3. By order dated 4 September 2023, while issuing notice in this

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Signing Date: 29.02.2024  
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writ petition, this Court directed that the petitioner be granted provisional admission to Class I in the school.

4. Provisional admission has, admittedly, been granted.
5. The school has not condescended to file any counter affidavit to this writ petition, despite the matter having being listed for the third time. The matter was called out twice. The school has remained unrepresented on both occasions.
6. Apparently, therefore, the School does not contest the prayer of the petitioner.
7. I have heard Mr. Bhaumik, learned Counsel for the petitioner, and Mr. Utkarsh Singh, learned Counsel for the DoE.
8. Without entering into the merits of the controversy, as the school has neither chosen to file any counter affidavit opposing the case set-up by the petitioner and has not chosen to challenge interim order dated 4 September 2023 passed by this Court, I am inclined to dispose of this writ petition with a direction to the school regularised her admission in class I.
9. The petitioner shall continue to be imparted education by the school treating her as an EWS candidate. She shall be entitled to all facilities available to EWS students including uniform, textbooks etc.



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10. This Court hopes and trusts that the petitioner would not have to knock on its doors once again for her EWS entitlements.

11. It is made clear that this Court has not entered into the merits of the controversy.

12. The petition is, accordingly, allowed, with no order as to costs.

**C. HARI SHANKAR, J.**

**FEBRUARY 26, 2024**

*dsn*

*Click here to check corrigendum, if any*