



2024:DHC:2549



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

+ **W.P.(C) 9394/2023**

BABY DIVANSH ARORA

..... Petitioner

Through: Ms. Prerna Tandon, Adv. for
Mr. V.K. Tandon, Adv.

versus

TECNIA INTERNATIONAL SCHOOL & ANR.

..... Respondents

Through: Mr. R.M. Sinha and Mr. P.M.
Sinha, Advs. for R-1
Mr. Utkarsh Singh, Ms. Prasansha Sharma,
and Ms. Nikita Vir, Advs. for Mr. Santosh
Kumar Tripathi, SC (Civil) for DOE/R-2

+ **W.P.(C) 12838/2023, CM APPL. 50568/2023 and 54539/2023**

DYANSH THROUGH HIS MOTHER REENA Petitioner

Through: Mr. Arkenil Bhaumik and Mr.
Adhishwar Suri, Advs. for Mr. Amit George,
Adv

versus

DIRECTORATE OF EDUCATION & ANR Respondents

Through: Mr. Utkarsh Singh, Ms.
Prasansha Sharma, and Ms. Nikita Vir,
Advs. for Mr. Santosh Kumar Tripathi, SC
(Civil) for DOE/R-1
Mr. R.M. Sinha and Mr. P.M. Sinha, Advs.
for R-2



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

J U D G M E N T (O R A L)
22.03.2024

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1. In both these writ petitions, the petitioners are children who seek admission to the entry level class in schools to which, as per the outcome of computerised draw of lots conducted by the Directorate of Education (DoE), the petitioners have been allotted admission.
2. During the pendency of these petitions, the petitioners have been granted provisional admission to the said entry level class. The entry level class in WP (C) 9394/2023 is Class I whereas the entry level class in WP(C) 12838/2023 is KG/Pre-primary.
3. Inasmuch as the schools to which, as per the computerised draw of lots conducted by the DoE, the petitioners were granted admission, refused to admit the petitioners, they have approached this Court by means of the present writ petition, seeking a mandamus to the school to admit them in accordance with the outcome of the computerised draw of lots conducted by the DoE.
4. This Court has, in a number of cases, held that where
 - (i) a child applies to the DoE for admission to an entry level class as an EWS/DG category student,
 - (ii) the DoE, on the basis of the data provided by the schools, works out the number of general category and EWS/DG seats available in the entry level class in the schools,



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(iii) the said data is uploaded by the DoE on its website, informing the schools to represent in the event of any discrepancy in the data within a stipulated time period, normally of five to ten days,

(iv) the school does not represent within the said period and

(v) the computerised draw of lots is thereafter held by the DoE,

the outcome of the computerised draw of lots would be binding on all schools which did not file any representation in response to the data uploaded by the DoE within the time granted in that regard. Children who are found entitled to admission to the entry level class in such schools have mandatorily to be granted admission.

5. A detailed judgment in this regard is to be found in the decision of the Coordinate Bench of this Court in ***Rameshwar Jha v. Principal, Richmond Global School¹***.

6. In both these cases, the respondent school is the same.

7. The petitioner Divansh Arora in WP (C) 9394/2023 belongs to the EWS whereas the petitioner Dyansh in WP (C) 12838/2023 belongs to the Disadvantaged Group (DG).

8. For the purposes of entitlement to preferential admission in entry level class in school, EWS and DG students stand on the same footing.



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9. Both petitioners had applied to the DoE for admission to entry level classes in the respondent-school for the academic year 2023-24. Divansh Arora's application was for Class 1 whereas Dyansh's application was for KG/Pre-primary.

10. The respondent-school admittedly did not represent to the DoE within the time stipulated in that regard after the data regarding the number of the general category and EWS/DG category seats in the school was uploaded by the DoE. Consequently, the computerised draw of lots was conducted and Divansh Arora was found to admission in class I and Dyansh was found entitled to admission in class KG/pre-primary.

11. As already noted, the respondent-school having refused to give admission to the petitioners, they have approached this Court seeking a writ of mandamus.

12. No other arguments were advanced by learned Counsel for the parties in the present matters.

13. As such, the case in question being covered by earlier decisions passed by this Court as well as by the judgment in **Rameshwar Jha**, these petitions are bound to succeed.

14. The provisional admission granted to the petitioners to the entry level class in the respondent-school are regularised. The petitioners shall be entitled to be imparted education as EWS/DG category



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students and would be entitled to all facilities to which such students are entitled.

15. The writ petitions stand allowed in the aforesaid terms, with no orders as to costs.

C. HARI SHANKAR, J.

MARCH 22, 2024

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Click here to check corrigendum, if any