



2024:DHC:3857



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 13318/2023****MASTER JAGRIT**

..... Petitioner

Through: Mr. Khagesh B. Jha and Mr.
Shikha Sharma Bagga, Advs.

versus

GOVT OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Utkarsh Singh, Adv. for
Mr. Santosh Kumar Tripathi, SC (C) for the
DoE

None for respondent school

CORAM:**HON'BLE MR. JUSTICE C.HARI SHANKAR****JUDGMENT (ORAL)**

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08.05.2024**W.P.(C) 13318/2023**

1. The petitioner is a candidate belonging to the Economically Weaker Section (EWS). He applied through his mother for admission to school, in the Nursery/Pre-school entry level in 2023-2024 in terms of Section 12(1)(c) of the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act).

2. A computerized draw of lot was conducted by the Directorate of Education (DoE), following which the petitioner was found eligible and entitled to admission to Nursery/Pre-school in the Respondent 2 School. As the respondent school denied admission to the petitioner, the petitioner has approached this Court by means of the present writ

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petition seeking a mandamus directing the respondent school to admit the petitioner.

3. *Vide* order dated 10 October 2023, this Court directed provisional admission to be granted to the petitioner in the respondent school in Nursery/Pre-primary.

4. In compliance therewith, the petitioner has been admitted provisionally in Nursery/Pre-primary in the respondent school as an EWS candidate.

5. No counter affidavit has been filed to this petition either by the GNCTD or by the respondent school. The respondent school is also not present when the matter is called out.

6. The case is fully covered by the judgment of this Court in *Jai v. Directorate of Education*¹, *Arpit v. Adriel High School*² and *Deepak Raj v. The Principal Apeejay School*³.

7. Following the said decisions, the petitioner would be entitled to be regularized and admitted as an EWS student in the respondent school.

8. Accordingly, the provisional admission granted *vide* order dated 10 October 2023 is confirmed and made permanent. The respondent

¹ 2024 SCC OnLine Del 2537

² Order dated 30 April 2024 in WP (C) 2848/2024

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school is directed to continue to provide education to the petitioner as an EWS student in terms of the RTE Act along with all facilities and amenities to which such students are entitled.

9. This writ petition stands allowed in the aforesaid terms, with no order as to costs.

CM APPL. 52576/2023

10. This application does not survive for consideration and stands disposed of.

C.HARI SHANKAR, J

MAY 8, 2024

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Click here to check corrigendum, if any

³ Order dated 3 May 2024 in WP (C) 14843/2023