



2024:DHC:3883



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

+ **W.P.(C) 13354/2023**

BABY DEVANSHI JAISAWAR

..... Petitioner

Through: Ms. Perna Tandon, Adv. for
Mr. Vivek Kumar Tandon, Adv.

versus

AADHARSHILA VIDYAPEETH & ANR.

..... Respondents

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

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

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08.05.2024

W.P.(C) 13354/2023

1. The petitioner is a student belonging to the Economically Weaker Section (EWS). In accordance with Section 12 of the Right of Children to Free and Compulsory Education Act, 2009 ("the RTE Act") read with various circulars issued by the Directorate of Education (DoE), the petitioner applied for admission to Class I in, among others, the respondent school, as an EWS category student.

2. A computerized draw of lots was conducted by the DoE, following which the petitioner was found entitled to admission to Class I in the respondent school against KG/Pre-primary seats in the year 2022-2023, which had not been filled by the respondent school.



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The principle of carry forward of such seats has been affirmed by this Court in a number of decisions including *Siddharth International Public School v. Motor Accidents Claim Tribunal*¹, rendered by a Division Bench.

3. Despite having been thus shortlisted for admission to the respondent school, the respondent school declined to admit the petitioner resulting in the petitioner being compelled to approach this Court by means of the present writ petition seeking a mandamus to the respondent school in accordance with outcome of the computerized draw of lots conducted by the DoE.

4. However, there was neither any order of provisional admission passed by this Court in favour of the petitioner nor was any seat in Class I reserved in her favour on the basis of the computerized draw of lots conducted by the DoE.

5. In such a case, this Court has already held in para 15 of its judgment dated 22 April 2024 in *Ankit Kumar v. GNCTD*² that it is not possible to issue a mandamus to the respondent school to accommodate the petitioner in Class II in the year 2024-2025. The benefit of the result of the computerized draw of lots conducted by the DoE, though in favour of the petitioner, would enure in her favour only till the end of 2023-2024, inasmuch as the computerized draw of lots was conducted for that year. The seat in Class I for 2023-2024,

¹ 2016 SCC OnLine Del 5272

² WP(C) 5523/2024



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which remained unfilled, would be included in the carry forward seats for 2024-2025 and would be available for being filled by any EWS candidate in 2024-2025, including the petitioner, should she choose to apply. The petitioner would, therefore, have to compete with all other EWS candidates for the said seats.

6. In that view of the matter, it is not possible to grant the relief sought in this writ petition.

7. The petition is accordingly dismissed. However, this shall not preclude the petitioner from applying with the DoE as an EWS candidate for admission to Class II for the year 2024-2025 and including, in her application, to the respondent school. In case such an application is made, it shall be furnished and decided by the DoE as per the procedure established in that regard.

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8. 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