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

+ **W.P.(C) 10559/2024**

PUNEET KUMAR VIJAY

.....Petitioner

Through: **Mr. Narendra Kumar Upadhyay and
Mr. Sanjay Singh, Advocates**

versus

**THE PRINCIPAL RAMJAS PUBLIC SR SEC
SCHOOL AND ANR.**

.....Respondents

Through: **Mr. Atul Jain and Mr. Binay Kumar
Joshi, Advocate for R-1 school
Mr. Divyam Nandrajog, Panel
Counsel, GNCTD with Mr. Aman
Wasan, Advocate for DoE**

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

23.09.2024

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CM APPL. 49697/2024 (for rectification of order dated 31.07.2024)

1. The instant application under Section 151 of the Code of Civil Procedure, 1908 ('CPC') has been filed on behalf of the applicant/respondent no. 1 school seeking following relief:

“(a) clarify the order dated 31.07.2024 qua the aspects mentioned hereinabove.

(b) direct the Directorate of Education to allot students for admission to the Applicant school under EWS category in class Nursery and not in class (I)...”

2. Issue notice. Mr. Narendra Kumar Upadhyay, learned counsel appearing on behalf of petitioner/non-applicant accepts notice.

3. Learned counsel appearing on behalf of respondent no. 1 states that



inadvertently the name of the Ramjas Public School (Day Boarding) has been wrongly mentioned as Ramjas Public Sr. Sec. School in order dated 31.07.2024 as well as memo of parties. He prays that the same be corrected.

4. For the reasons stated therein, the present application is allowed.

5. The name of the respondent no. 1 school be now reads as under:

“Ramjas Public School (Day Boarding)”

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6. This is a case in which the petitioner, through his guardian/father, had applied for admission in Class-1 of the respondent no. 1 School (“*the School*”) for the academic session 2024-2025 as a candidate belonging to the Economically Weaker Section (EWS) category. Consequent to a computerized draw of lots held by the Directorate of Education (DoE), the petitioner was shortlisted for admission to Class-1 in the School.

7. Learned counsel for the petitioner states that the interim order of this Court dated 27.02.2024 has been complied with by the School, and the petitioner has been granted provisional admission in respondent no. 1 school i.e. Ramjas Public School (Day Boarding).

8. Learned counsel appearing on behalf of respondent no. 2/DoE states that the School has already granted provisional admission to the petitioner-child and the same may now be regularized and the writ petition be disposed of.

9. The Predecessor Bench of this Court, while passing interim directions on 27.02.2024, had observed as follows:

“3. This Court is inundated with cases in which, despite children having applied for admission under the EWS category to schools, and despite their names having been shortlisted by the Directorate of Education (DoE) for admission to said schools, the schools are refusing admission to the children.



4. This is completely unacceptable.

5. This Court has already held in para 59 of its decision in *Anjali Pandey v. Directorate of Education*¹ that once, on the basis of the data provided by the school to the DoE, the DoE carries out a computerised draw of lots, the school is duty bound to admit the students which, according to such computerised draw of lots, are allocated to that school.

6. The argument that the actual number of general category admissions effected by the school fell short of the number which was declared to the DoE, is not tenable in such circumstances.

18. Though there is no separate application for any interim relief, a prayer has been included in writ petitions itself, seeking that the petitioners be granted provisional admission to the schools to which, as per the computerised draw of lots conducted by the DoE, they have been assigned.

19. As such, the Respondent 1 school, in each case, is directed to grant admission to the petitioners, provisionally, as per the outcome of the computerised draw of lots conducted by the DoE.”

10. Thus, considering the aforesaid facts and circumstances, the provisional admission granted to the petitioner-child in this case is made regular. The petitioner herein would continue to be entitled to all the facilities available to EWS/DG students, as has been provided in the RTE Act.

11. Accordingly, the writ petition along with pending application, if any, stands disposed of, in the above terms.

12. Next date of hearing i.e. 07.11.2024 stands cancelled.

13. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

SEPTEMBER 23, 2024/ns

Click here to check corrigendum, if any