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

+ **W.P.(C) 11254/2024 & CM APPL. 46577/2024**

**HIMAIRA MINOR THROUGH NATURAL
GUARDIAN MR AMIT**

.....Petitioner

Through: Mr. Hemant Baisla, Mr. Ankit Singh,
Ms. Pratima Saini, Ms. Poonam Seth,
Ms. Neha Yadav, Ms. Shikha, Mr.
Shubham Tomar, Mr. Ashu Bidhuri,
Mr. Neeraj Agarwal, Mr. Mukesh
Kumar Tripathi, Mr. Mashook Ali
and Mr. Hemant Kumar Niranjana,
Advocates.

versus

DLDAV PUBLIC SCHOOL & ANR.

.....Respondents

Through: Mr. Yogesh Kumar and Ms. Bharti
Kapil Advocates for R-1.
Counsel for R-2 (appearance not
given).

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

03.09.2024

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1. The present writ petition under Article 226 of the Constitution of India has been filed by the petitioner seeking following reliefs:-

“a) Issue an appropriate Writ/Order/Directions in the nature of Mandamus or any other appropriate writ in favour of the Petitioners thereby directing the Respondent No.1/school to allow admission to Petitioner in the academic session 2024-25 in the said school without any further delay.

b) Issue an appropriate Writ/Order/Directions in the nature of Mandamus or any other appropriate writ in favour of the Petitioner thereby directing Respondent No. 2 to strictly implement the directions,



orders, and provisions of the RTE Act and ensure admission of the Petitioner without any delay.

c) Issue an appropriate Writ/Order/Directions in the nature of Mandamus or any other appropriate writ directing Respondent No. 2 to conduct an inquiry into the affairs of the school concerning the allocation of seats to the candidates seeking admission under the EWS/DG category and to withdraw recognition of the school if found guilty.

d) Issue any other appropriate order or direction in the nature of Mandamus directing Respondent no.2/DOE to take over Respondent no. 1 for not complying RTE Act and Delhi RTE Rules.

e) Award reasonable compensation to the Petitioner for the pain, agony, and suffering suffered at the hands of the Respondents along with the entire costs of the present proceeding in favour of the Petitioners and against the Respondents.”

2. In brief, the facts of the case as disclosed in the petition are that petitioner is a 4-year old girl belonging to the Disadvantaged Group. Her parents applied for admission under the EWS/DG category in the Class Nursery/pre-school for the 2024-2025 Academic Session. It is stated that the petitioner registered herself for admission under the Economically Weaker Section (EWS) category for the session 2024-25, bearing registration number 20240180897. The petitioner is seeking admission under the Economically Weaker Section (EWS)/Disadvantaged Group (DG) category under Section 2(e) of the RTE Act in respondent No. 1 school. However, respondent No. 1 intentionally and deliberately had denied admission to the petitioner in their school on the ground that the petitioner was not in possession of the valid supporting documents.

3. On the last date of hearing, learned counsel for the petitioner prayed for some time to place on record the documents in support of the petition.

4. Admittedly, the father of the child had a valid caste certificate in this case, and on behalf of the petitioner, the father had also sought issuance of



caste certificate. The concerned authorities have not been able to issue the caste certificate. However, the same was issued on 31.07.2020. Learned counsel for the petitioner has produced it before this Court.

5. In these circumstances, this Court holds that the petitioner herein is eligible for applying for admission under the EWS/DG category on the basis of the caste certificate filed on record. Accordingly, respondent No. 1 school is directed to take on record the caste certificate in respect of the petitioner, as produced by the learned counsel for the petitioner and verify the same and upon verification, if found as per rules and regulations, granted regular admission to the petitioner under EWS category in their school for the academic session 2024-25. Needless to say, the petitioner shall be entitled to be imparted education as an BWS student and shall receive RTE entitlements as per law.

6. With these directions, the petition stands disposed of. Pending application, if any, also stands disposed of.

7. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

SEPTEMBER 03, 2024/A

Click here to check corrigendum, if any