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

+ LPA 903/2024 & CM APPLs.51873-51877/2024

MASTER LAVIK THROUGH HIS FATHER PINKUAppellant

Through: Mr.Ashutosh Kumar, Advocate with
Mr.Devanshu Khanna, Mr.Vinod
Chauhan and Mr.Saransh Bhardwaj,
Advocates.

versus

GOVT OF NCT OF DELHI & ORS.Respondents

Through: Mr.Divyam Nandrajog, Panel
Counsel with Ms.Surbhi Soni,
Advocate for GNCTD.
Mr.Kamal Gupta, Advocate with
Mr.Sparsh Aggarwal, Mr.Karan
Chaudhary and Ms.Yosha Dutt,
Advocates for R-2.
Mr.Abhinav Sharma, Advocate with
Mr.Mahendra Shukla, Advocate for
MCD.

**CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

**ORDER
06.09.2024**

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1. Present appeal has been filed challenging the order dated 22nd August, 2024 passed by the learned Single Judge in W.P. (C) 1116/2024. The Appellant further seeks issuance of directions to Respondents No. 5 to allow the Appellant to join as a student of class 1, give him study material and school uniform and allow him to continue as a student as per the policy of the Respondent No. 5.



2. Learned counsel for the Appellant states that the learned Single Judge has erred in holding that there is no urgency to grant provisional admission to the Appellant herein in the absence of a clarification from Directorate of Education (“DoE”).
3. He further states that the only ground on which the case was adjourned was that the Court was awaiting Respondent No. 2’s response on the distance criteria followed in granting admissions to students from DG/EWS category overlooking the fact that the coordinate Bench of this Court in various cases has already held that distance cannot be the sole criterion for rejecting admission to EWS/DG category students.
4. Learned counsel for the Respondent No.2 disputes the submissions advanced by learned counsel for the Appellant.
5. Having perused the impugned order, this Court finds that the learned Single Judge has given a finding with regard to ‘no urgency’ only in the context of matter being adjourned to 29th August, 2024 as 24th to 26th August, 2024 were holidays.
6. As far as the argument that the issue of distance criterion is no longer *res integra*, this Court is of the view that the Appellant should cite relevant judgments before the learned Single Judge on the next date – which is only six days away.
7. Accordingly, the present appeal along with applications is closed.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

SEPTEMBER 6, 2024/TS