



\$~69

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

+ **W.P.(C) 12974/2024**

MASTER MOHD AARIZ KHAN

.....Petitioner

Through: Father of the petitioner-in-person.

versus

SS MOTA SINGH SR SEC SCHOOL & ANR.Respondent

Through: Mr. Aranya Moulick, Ms. Smridhi Babbar, Advocates for R-1/School.
Mr. Divyam Nandrajog, Panel Counsel, GNCTD with Mr. Aman Wasan, Advocate for R-2/DoE.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

18.09.2024

%

1. The present writ petition has been filed under Article 226 of the Constitution of India, 1950 on behalf of the petitioner seeking the following reliefs:

“a) Issue an appropriate writ, order or direction in favour of the petitioner and against the respondents thereby directing the respondents to admit/enroll and provide free books, writing material and dress to the petitioner in the respondent no. 1 school in the Allotted Class (Nursery/Pre-School) under the EWS/DG/CWSN category for the academic session 2024- 2025, with immediate effect or grant admission in the next higher class depending on the date of disposal of the writ petition by this Hon’ble court.

b) Issue a writ, order or direction in the nature



of mandamus directing the Respondent No. 1/School to grant interim/provisional admission to the petitioner during the pendency of the proceedings.

c) Issue a writ, order or direction in the nature of mandamus directing the Respondent No. 1 and 2 to grant adequate compensation to the Petitioner.”

2. In the present case, the petitioner is a five year old boy belonging to the socially backward class (DG category), who through his father, Suhail Khan, had applied for admission in Nursery class of respondent no. 1 i.e. S.S. Mota Singh Senior Secondary School (hereinafter ‘*the school*’) for the Academic Session 2024-2025. Consequent to a computerized draw of lots held by the Directorate of Education (DoE), the petitioner was shortlisted for admission to Class Nursery in the school.

3. The case of the petitioner is that though Allotment letter was issued to the petitioner and results of draw of lots were communicated to respondent no. 1-School, the School has refused to admit the present petitioner. It is stated that despite petitioner possessing a confirmed allotment letter, he and his parents have been forced to move from pillar to post for seeking admission in respondent no. 1-School. It is stated that denial of admission by a school under the EWS/DG category even after allotment of school by DoE frustrates the noble objective of the RTE Act, 2009 and violates the fundamental rights of children belonging to EWS/DG category, as enshrined under Article 21-A of the Constitution.

4. Issue Notice. Mr. Aranya Moulick, learned counsel accepts notice on behalf of respondent no. 1-School and Mr. Divyam Nandrajog, learned panel counsel accepts notice on behalf of respondent no. 2-DoE.



5. Learned counsel for the DoE states that the child was allotted the respondent no. 1 school as per draw of lots dated 31.05.2024 and the School ought not to have denied admission to the petitioner.
6. Learned counsel for respondent no. 1-School, who appears through video conferencing, states that the DoE is not reimbursing the amount due towards the School and they have also written to the DoE regarding reduction of candidates under EWS category.
7. This Court has heard learned counsel appearing on behalf of the parties and has perused the material available on record.
8. This Court observes that despite the petitioner being in possession of allotment letter issued by DoE, pursuant to computerised draw of lots, the respondent no. 1-School has refused to provide admission to him.
9. This Court notes that the coordinate Bench of this Court in case of ***Rameshwar Jha v. Principal Richmond Global School 2022 SCC OnLine DEL 4438***, has observed that if any school refuses to admit a student belonging to the EWS category despite his, or her, name being shortlisted by the DoE for admission to that school, the school should be subjected to punitive action in terms of the Delhi School Education Act, 1973.
10. This Court is of the opinion that the controversy in the present case relates to education of a child, and the petitioner has made out a prima facie case in his favour. The balance of convenience would, therefore, clearly be in favour of issuance of a direction to provisionally admit the petitioner in the respondent no.1/school. It is also clarified that the parents of the child will ensure that any documents asked by the respondent no. 1-School are furnished to them.
11. Learned counsel for DoE submits that a claim has been filed *qua*



reimbursement for 2021-22 by the School, which has been sanctioned on 02.08.2024. He further on instructions, states that the School Authorities may also approach the DoE regarding their claim for reimbursement for the remaining years' they may be entitled to, from the date of rectification on the portal, which will be resolved within a month from today.

12. In view of the above, the respondent no. 1-School is directed to grant regular admission to the petitioner in Class Nursery under EWS category. The petitioner shall receive RTE entitlements as per law.

13. No further directions are called for.

14. The writ petition is accordingly disposed of.

15. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

SEPTEMBER 18, 2024/at

Click here to check corrigendum, if any