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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 13285/2024 and CM APPL. 55493/2024**

AKASH, THROUGH HIS FATHER KAPIL NAGAR

.....Petitioner

Through: Mr.Apoorv Sarvaria, Pro Bono
Advocate, DHCLSC, Ms. Yashika
Sarvaria and Ms. Simran Chadha,
Advocates. (Through VC)

versus

**GOVERNMENT OF NCT OF DELHI, THROUGH DIRECTORATE
OF EDUCATION & ANR.**

.....Respondents

Through: Mr.Divyam Nandrajog, Panel
Counsel with Mr.Prakhyat, Advocate
for R-1.
Mr.Bhavya Sethi , Mr.Shiven
Khurana, Mr.Manjit and
Mr.Madhventa, Advocates for R-2.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER
27.11.2024

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1. The Court takes note of the fact that on 07.10.2024, an interim order was passed and provisional admission was directed to be granted to the petitioner.
2. Learned counsel appearing on behalf of the respondent-School contends that the provisional admission has already been granted to the petitioner. He however opposes the petition on merits.



3. This Court on 07.10.2024, while granting the provisional admission noted the objections of respondent-School. For sake of convenience, the order dated 07.10.2024 reads as under:-

“1. The fundamental reason for denial of admission to the petitioner by the respondent-School appears to be a contradiction in the documents submitted by the petitioner in the school records.

2. Learned counsel appearing on behalf of the respondent-School submits that there are two income certificates of the father of the petitioner. When the first certificate was rejected, the petitioner submitted the second income certificate. Learned counsel, therefore, submits that the second income certificate, produced at a subsequent stage, cannot be accepted by the respondent-School.

3. Learned counsel appearing on behalf of the petitioner opposes the same and submits that there is only one income certificate and the said certificate was duly produced before the respondent-School. He explains that only the acknowledgement receipt for obtaining the income certificate was submitted along with the application form and subsequent thereto, the application was rejected. He, then, explains that it is not a case of two certificates and according to him, it is not the income certificate which came to be rejected, however, it was the application which was rejected on account of non-completion of certain formalities.

4. Having considered the submissions made by learned counsel appearing on behalf of the parties, the Court finds that as of now, the grounds for rejection of the admission of the petitioner in the school appear to be premised only on a technical fault. It remains undisputed that the admission of the petitioner has been allowed by the concerned DoE and the said order stands unmodified as on date.

5. Therefore, till the aforesaid aspect is fully adjudicated, the Court directs the respondent-School to provisionally admit the petitioner, subject to directions to be passed by this Court at a later stage.

6. Let the formalities be allowed to be completed forthwith.”

4. Thus, on the conspectus of the overall factual scenario, the Court finds that the denial of admission to the petitioner in the instant case would solely be on technical grounds. At the fulcrum of those technical grounds



like non-completion of certain procedural formalities, by no stretch of imagination, the education of a child can be put at stake. The education of a child cannot suffer in the procedural maze of technicalities. In disputes of such nature, under the voluminous record and convoluted rules, it is ultimately the education of the child that gets buried and he/she made to suffer for no fault of his/her own. Therefore, without treating the same to be precedent, it would be appropriate under the facts and circumstances of the present case to confirm the admission granted to the petitioner.

5. Accordingly, without prejudice to the rights and contentions of the parties, the respondent-School is directed to confirm the admission of the petitioner and to extend all necessary benefits, however, the question of law involved in the instant case remains open.

6. In view of the aforesaid, the instant petition stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

NOVEMBER 27, 2024

Nc/am