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

+ **CONT.CAS(C) 1541/2024**

**MOHD SHAWAB MINOR THROUGH NATURAL GUARDIAN
MOHD BILAL**

.....Petitioner

Through: Mr.Hemant Baisla, Ms. Shikha,
Ms.Pratima Saini, Ilin Saraswat and
Mr. Hemant Kumar Niranjana, Advs.

versus

DR. PRITI SAXENA & ANR.

.....Respondents

Through: Mr. R. M. Sinha, Mr.Prateek Mohan
Sinha, Ms.Namita Sinha and
Ms.Nandini Harsh, Advs. for R-1.
Mr. Abhinav Singh and Mr. Praveen
Kumar Kaushik, Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER
10.12.2024

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1. The facts of the case would indicate that the petitioner in W.P.(C) 10271/2024 has approached this Court praying for a direction in the nature of mandamus for directing the respondent-School, i.e. Aadharshila Vidya Peeth, to provide admission to the petitioner under the Economically Weaker Section [E.W.S] category under Section 12 of the Right to Education Act.

2. On 26.07.2024, when W.P.(C) 10271/2024 was taken up, the Court noted that the petitioner is a six year old boy belonging to the O.B.C [Non



Creamy Layer] category, who has been allotted admission in the respondent-School consequent to a computerized draw of lots held by the Directorate of Education[DoE] and was shortlisted for admission to Class I in the respondent-School.

3. The case of the petitioner was that the respondent-School has forced the parents of the petitioner to move from pillar to post for seeking admission. Considering the facts therein, *vide* order dated 26.07.2024, the Court directed the respondent-School to provide provisional admission to the petitioner in Class I in accordance with the shortlisting exercise conducted by the DoE and that the petitioner shall receive all entitlements in accordance with the provisions of the RTE Act.

4. Whereas, through CM APPL.43346/2024, the application for recall of the order dated 26.07.2024 has been filed by the respondent-School, this Court, *vide* order dated 07.08.2024, has held that during the pendency of the application for recall, the order dated 26.07.2024, which has granted provisional admission to the petitioner, has to be duly complied with and the child cannot be left in lurch till the issues between the DoE and the respondent-School are decided.

5. However, it is seen that the provisional admission to the petitioner has not been granted despite the directions passed by the Court, and *vide* order dated 19.11.2024, the Court directed for the personal appearance of the principal for hearing on framing of charges for contempt.

6. Pursuant to directions passed by this Court on 19.11.2024, Dr. Priti Saxena, principal, appears in person along with Mr. R.M. Sinha, Advocate.

7. Mr. R.M. Sinha, Advocate appearing on behalf of respondent-School, at the outset, submits that there was some delay in compliance with the



orders passed by this Court. However, the same was *bona fide* and there was no deliberate intent to disobey the directions passed by this Court. According to him, after passing of the order dated 26.07.2024, an application for vacation thereto was filed on 30.07.2024 and thereafter, on dismissal of the said application, an LPA was preferred on 31.08.2024.

8. He then contends that on 13.09.2024, when the LPA was disposed of, granting liberty to raise all contentions before the single judge, the provisional admission to the petitioner was granted on 28.09.2024, whereas, the contempt petition was filed on 25.09.2024. He submits that firstly, steps for the vacation of interim order were taken and thereafter the LPA was preferred. Therefore, the school was under *bona fide* belief that the order passed by this Court may not be required to be complied with.

9. The aforesaid submission made by Mr. R.M. Sinha, Advocate is unacceptable. Once there were directions passed by this Court to grant the provisional admission to the petitioners, the respondent-School should have complied with the same *albeit* under protest. In matters pertaining to academic disputes, each passing day is extremely valuable. Delay in admission has a significant impact on both the academic prospects and performance of the student as well as irreparable harm to the mental state of both parents and students.

10. In the absence of there being any stay on the directions, non-compliance with the directions passed by the Court, on the ground that other remedies are being pursued, as stated by the respondent-School, holds the potential to frustrate the directions itself. The Court, therefore, was of the *prima facie* opinion to proceed with the framing of charges against the respondent-School.



11. At this stage, Mr. R.M. Sinha, Advocate placed on record an affidavit of the principal, wherein, an unconditional apology has been tendered. The said affidavit is reproduced as under:-

*“1. That I am working as Head of the School/Principal of Aadharshila Vidya Peeth, CD Block, Pitampura, Delhi-110034. I am one of the members of the Managing Committee of the said School
2. The said school has given provisional admission to the, petitioner Mohd. Shawab in Class-1 on 28.09.2024 pursuant to the order of this Hon'ble Court.
3. I admit that there is some delay in provisionally admitting the petitioner because of the challenge of the order of the learned Single Judge before the Hon'ble Division Bench of this Hon'ble Court.
4. The delay in provisionally admitting the petitioner is neither intentional nor malafide. I, however, tender unconditional apology before this Hon'ble Court for the slight delay in provisionally admitting the petitioner in the said school.
5. I assure this Hon'ble Court on behalf of the school that the School shall always abide by the orders of this Hon'ble Court. I on behalf of the school still feel sorry for the inconvenience caused to this Hon'ble Court.”*

12. In view of the aforesaid, at this stage, the Court accepts the unconditional apology tendered by the principal and discharges the contemnor from the present proceedings with a strong warning to remain careful in the future in the matter of compliance of the directions of the Court. The contemnor shall be bound by the undertaking as mentioned in the affidavit. The Court notes that the respondent-School further undertakes to uphold the highest standard of diligence in compliance with the directions passed.

PURUSHAINDR KUMAR KAURAV, J

DECEMBER 10, 2024

Nc/sp