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

+ **W.P.(C) 16326/2024 & C.M.Nos.68777-68778/2024**

**JUSTICE FOR ALL**

.....Petitioner

Through: Mr.Khagesh B.Jha with Ms.Shikha  
Sharma Bagga, Mr.Ankit Mann,  
Mr.Umesh Jatav and Mr.Naman Jain,  
Advocates.

versus

**GOVT OF NCT OF DELHI THROUGH DIRECTOR EDUCATION  
AND ORS**

.....Respondents

Through: Mr.Santosh Kumar Tripathi, standing  
counsel with Mr.Rishabh Srivastava,  
Mr.Kartik Sharma and Mr.Utkarsh  
Singh, Advocates for R-1.  
Mr.Kamal Gupta with Mr.Sparsh  
Aggarwal, Ms.Yosha Dutt and  
Ms.Rashi Agarwal, Advocates for  
Action Committee (for Schools)  
Mr.Pramod Gupta with Mr.Harsh  
Jaiswal and Mr.Umang Dixit,  
Advocates for R-2.  
Mr.Udit Dwivedi, Advocate for R-5.  
Mr.Nikhil Palli with Ms.Niyati  
Razdan, Advocates for R-7.

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

**ORDER**

**26.11.2024**

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1. Present public interest petition has been filed challenging the Circular dated 11<sup>th</sup> November, 2024 issued by respondent no.1. The prayer clause in



the present writ petition is reproduced hereinbelow:-

- a. *“quash and set aside the impugned Circular dated 11.11.2024 issued by respondent director of education up to the extent the same makes the provision for segregated timeline for the admission of children belonging to weaker section and disadvantage group and general category and direct the respondent Delhi Government to ensure the strict compliance of binding guidelines dated 26.10.2022 to prevent the discrimination of children belonging to weaker section and disadvantage group and further direct them to ensure the common schedule for the in conformity of section 15 of RTE Act, 2009 read with clause 4(i) of notification dated 7.1.2011 issued by Hon’ble Lt Governor of Delhi.*
- b. *quash and set aside clause 5 & 19(v) of Circular dated 11.11.2024 up to extent the same allow the schools to reduce the seats at entry level classes on the basis of exemption granted and to be granted to the schools and restrain the Director of Education to grant any exemption to any school to admit lesser number of students than their obligation under section 12(1)(c) of RTE Act, 2009 read with the notification dated 28.02.2012 issued by Lt Governor of NCT of Delhi.*
- c. *to ensure the proper alignment of the Online Admission Process for admission of children belonging to weaker section and disadvantage group with the statutory notification dated 07.01.2011 read with section 12(1)(c) and 15 of Right of Children to free and compulsory Education Act, 2009 read with rules thereunder.*
- d. *to pass any other or further orders this Hon’ble court deems fit based on above-mentioned facts and circumstances of the case;*
- e. *Allow the present writ petition with cost.”*

2. Learned counsel for the petitioner states that different schedule for the admission process for the EWS/DG candidates after commencement of academic session is prejudicial to the interests of EWS/DG students. He contends that the impugned circular is violative of Sections 8 and 9 of the Right to Education Act, 2009 (“the Act”).

3. He further states that the Director of Education has not been conferred any jurisdiction to exempt any school from their obligation under Section 12(1)(c) of the Act read with the notification dated 28<sup>th</sup> February, 2011. He therefore contends that any exemption granted to a school is *void ab initio* as the same is without jurisdiction.



4. He lastly states that the petitioner has made a representation dated 14<sup>th</sup> November, 2024 to the respondent no.1 but has not received any response so far.

5. Keeping in view the aforesaid, present writ petition along with the applications is disposed of with a direction to the respondent no.1 to decide the petitioner's representation dated 14<sup>th</sup> November, 2024 in accordance with law, as expeditiously as possible preferably within four weeks. The rights and contentions of all the parties are left open. In the event, the issue(s) raised in the representation are *sub-judice* before this Court, it shall be open to respondent no.1 to mention the same in its decision.

**MANMOHAN, CJ**

**TUSHAR RAO GEDELA, J**

**NOVEMBER 26, 2024**  
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