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

+ W.P.(C) 16652/2024 & C.M.Nos.70440-70441/2024

JUSTICE FOR ALL

.....Petitioner

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

versus

GOVT OF NCT OF DELHI THROUGH SECRETARY
EDUCATION GNCTD

.....Respondent

Through: Ms.Anjesh Dahiya, Advocate for
Mr.Jawahar Raja, ASC, GNCTD.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

03.12.2024

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1. Present public interest petition has been filed seeking directions to the Respondent to ensure admission of all the children registered on the website of the Delhi Government in the Government/Private schools in the neighborhood and to track their admission, attendance and completion of elementary education in the manner prescribed under Sections 3, 6, 8 & 9 of the Right of Children to Free and Compulsory Education Act, 2009 ("RTE Act").

2. Learned counsel for the Petitioner states that the Respondent has failed to ensure the preparation of the records of every child and their mapping with the school as prescribed under Sections 7 and 8 of the RTE Act and the Delhi RTE Rules, 2011. He states that the Respondent has failed in its duty to identify the children up to 14 years and admit them in neighborhood / government schools to provide the quality education which



is a fundamental right under the Constitution of India.

3. He further states that several students who had applied for admission under the EWS / DG through online mode during the session 2024-2025 had failed to secure admission in private schools. He states that approximately 1,28,000 students are still waiting to obtain admission.

4. He states that the Petitioner had sent a representation to the Respondent vide email dated 21st November, 2024, but no response to the same has been received till date.

5. It is not in dispute that it is the duty of the appropriate government to ensure free and compulsory elementary education to every child, which includes compulsory admission.

6. Further, after hearing learned counsel for the petitioner and from a perusal of the paper book, it is apparent that the Petitioner has already brought the prevailing situation to the attention of the Respondent vide email dated 21st November, 2024.

7. Accordingly, the present writ petition along with the applications is disposed of with a direction to the Respondent to decide the said representation by way of a speaking order, in accordance with law, within two weeks and take action to ensure that no child is deprived of the benefits under the RTE Act and the Rules thereunder. The Respondent is directed to file a compliance report within four weeks.

8. List the matter for compliance on 15th January, 2025.

MANMOHAN, CJ

TUSHAR RAO GEDELA, J

DECEMBER 3, 2024/KA