



CWP-23077-2024

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(284)

CWP-23077-2024

Date of Decision : February 03, 2025

Shobha Devi

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Abhinav Aggarwal, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

None for respondents No. 5 to 7.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance being raised by the petitioner is that the petitioner had applied for admission of her son in Class I against 25% seat which are to be reserved under Right of Children to free and compulsory Education Act, 2009 (hereinafter referred as '2009 Act') for Economically Weaker Section (EWS) but the minor son of the petitioner has not been able to avail the benefit of 2009 Act in the way that he is not given admission in class I and this denial has caused prejudice to her and the son.

2. The challenge in the present writ petition is against the reply dated 30.04.2024 (Annexure P-4) by which reply has been given by the respondents to the legal notice dated 24.04.2024 issued by the petitioner to the respondent-School qua the admission of her son in class I.

3. Learned counsel for the petitioner argues that son of the petitioner was entitled to be admitted in class I of respondent-School against



25% seat reserved '2009 Act' but no seat has been provided under the said Act in Class I, which is causing prejudice to the minor son of the petitioner, which is an issued that needs to be redressed.

4. Upon notice of motion, the respondents have filed the reply wherein, it has been stated that 25% seats have been reserved for admission in L.K.G class. It is further elaborated in the reply that it is those students who are admitted in L.K.G. class are eventually promoted to the class I, hence, the reservation under 2009 Act is given initially in L.K.G class and not in class I as has been demanded by the petitioner. It has further been stated that LKG is the entry level class, not Class I and as such the claim of the petitioner was also considered for admission in the said entry level class against 25% seats to be filled under the 2009 Act but the son of the petitioner was not lucky enough to get seat in the draw of lots.

5. Contrary to what respondents have submitted vide their reply, learned counsel for the petitioner submits that entry level class qua the respondent-School is class I as the respondent-School does not have a legitimate approval of L.K.G class and to underpin this submission, reliance is being placed upon the information dated 09.05.2024 (Annexure P-5).

6. I have heard learned counsel for the parties and have gone through the record with their able assistance.

7. The action of the respondent-School in reserving 25% seats to be filled from the Economically Weaker Section under the 2009 Act needs no interference.

8. It would be very commensical to say that once the percentage required to be filled from the Economically Weaker Section has

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been done in the entry level class, the same will be enough to fulfill the requirement as those candidates admitted in entry level class will keep on being promoted to the next higher class and as such, there would be no scope of admitting any student in the next class by exceeding the 25% ceiling.

9. The argument of the learned counsel for the petitioner is that the entry level class qua respondent-School is class I and not L.K.G and to strengthen this argument, reliance is being placed upon the letter Annexure P-5 dated 09.05.2024. The said argument is not correct. In the communication dated 09.05.2024, it has been stated that there is no recognition of respondent-School getting recognition as “Play School” letter does not mention L.K.G, which is an academic class. Hence, once the benefit of 25% seats is being given by the respondent-School in L.K.G, which is an academic class it is to be treated as entry level class for the respondent-School, no ground is made out for any interference by this Court in the present petition.

10. Even otherwise, as of now, the session is already over as the petitioner’s son was seeking admission in Session 2024-25 and the said Session has already come to an end as of now even otherwise, the prayer of the petitioner has been rendered academic and cannot be accepted.

11. Accordingly, the writ petition is dismissed.

February 03, 2025
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No