



\$~45

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

%

Judgment Delivered on 28.03.2025+ **W.P.(C) 2833/2025**

RAVI KUMAR

.....Petitioner

Through: Ms. Neha Batra and Ms. Rakhee
Guptal, Advs.

versus

VSPK INTERNATIONAL SCHOOL AND
ANR.

.....Respondents

Through: Mr. Deepank Yadav and Mr. Nishant
Goyal, Advs. for R-1.
Mr. Dhruv Rohatgi, Mrs. Chandrika
Sachdev and Mr. Dhruv Kumar,
Advs. for DoE/R-2.**CORAM:****HON'BLE MR. JUSTICE VIKAS MAHAJAN****JUDGMENT****VIKAS MAHAJAN, J (ORAL)****CM APPL. 13439/2025 (exemption)**

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 2833/2025 & CM APPL. 13438/2025

3. The present petition has been filed by the petitioner seeking the following reliefs:

“1. Issue a writ of mandamus directing the Respondent No. 1 (VSPK International School) to immediately grant admission to Master Daksh in Nursery/Pre-School under the SC/DG



category, as per the allotment made by the Directorate of Education (DoE)

2. Direct the Respondent No. 2 (Directorate of Education, GNCTD) to enforce its own orders and take strict action against Respondent No. 1 for willful non-compliance with the DoE's allotment directives under the EWS/DG category.

3. Direct the Respondents to compensate the Petitioner and the child for the mental harassment, inconvenience, and academic loss suffered due to the arbitrary denial of admission and unnecessary delay in implementation of statutory rights under the Right to Education Act.”

4. The case of the petitioner as set out in the present writ petition is that the son of petitioner namely, Master Daksh was registered for admission on 10.03.2023 under the category of SC/DG for Nursery/Pre-nursery School admission, vide Registration No. 20240163862.

5. On 31.05.2024, after draw of lots, the Directorate of Education (hereinafter referred to as 'DoE') allotted Master Daksh a seat in VSPK International School, Sector-13, Rohini, Delhi (respondent no.1) under the SC/DG category.

6. Thereafter, the petitioner submitted all the required documents to the school as per the prescribed admission process on 07.06.2024. Sequel thereto, the petitioner sent multiple emails to the respondent no.1/school on 19.06.2024, 10.07.2024 and 24.07.2024, however, the respondent no.1/school failed to give any response.

7. Incidentally, petitioner's subsequent e-mail dated 02.08.2024 was responded to by the respondent no.1/school vide e-mail dated 06.08.2024 stating that the child i.e. Master Daksh was at serial no. 18 on the waiting list as per the list provided by the DoE. Further, the School claimed that due to low general category admissions, it was unable to admit more students



under the EWS/DG Category citing the proportional allotment rule as envisaged under Section 12(1)(c) of the Right to Education Act, 2009 (hereinafter referred to as 'the Act'). The school contended that since only 42 general category admissions had taken place, it could only accommodate 14 EWS/DG admissions and required more general category admissions before considering additional EWS/DG students.

8. The office of DoE issued a notice dated 09.09.2024 to the respondent no. 1/school directing to take admission of all the EWS/DG/CWSN students allotted by the DoE and update the same on MIS immediately, failing which appropriate action may be taken against the school. Even DoE's directives did not fetch any response.

9. Ms. Neha Batra, the learned counsel appearing on behalf of the petitioner submits that under the Act, Master Daksh has indefeasible right to be granted admission in the SC/DG Category, once he has been found successful in the draw of lots conducted by the DoE.

10. She submits that DoE's official communication dated 09.09.2024 clearly mandates the school to admit 23 students under the EWS category, and the respondent no.1 school's refusal on the pretext of proportional admissions is in direct violation of the Act.

11. She further submits that the delay is on the part of the respondent no.1/school, therefore, the school cannot take advantage of the fact that the present academic session is at fag end. In support of her contention, learned counsel appearing on behalf of the petitioner places reliance on the decision of this Court in **Rameshwar Jha v. The Principal Richmond Global School and Ors., W.P.(C) 1092/2021**.

12. *Per contra*, Mr. Deepank Yadav, learned counsel appearing on behalf of the respondent no.1/school submits that Section 12(1)(c) of the Act



mandates that at least 25% of the strength of the class have to be reserved for the EWS candidates. He submits if any admission is made beyond 25%, school is ought to be compensated by the DoE. He submits respondent no.1/school has already taken 18 admissions under the EWS category for the academic session 2024-2025 which comes to 30% of the strength of the class.

13. He further contends that since the session is at fag end, the admission of the petitioner cannot be permitted. He submits that law is well settled that cut-off date for making any admission in a School is 31st December in a particular year. According to Mr. Yadav minimum training of three months is mandatory in terms of Rule 5(1) of the Delhi Right of Children to Free and Compulsory Education Rules, 2011 (hereinafter referred to as 'the Rules'). In support of his submission, he places reliance on the following decisions of this Court:

- i. Neeraj Kumar v. Venkateshwar Global School and Ors., 2017 SCC OnLine Del 7842;***
- ii. Justice for All v. Govt. of NCT of Delhi, W.P.(C) 3684/2013 dated 14.03.2018;***
- iii. Bushra Riyaz, through Mother Rehmat Jahan v. Govt. of NCT of Delhi and Another, 2022 SCC OnLine Del 4648***
- iv. Bhagwan Singh v. Govt. of NCT of Delhi and Another, 2023 SCC OnLine Del 27***

14. Mr. Yadav further contends that the classes for the Nursery are already over and there is no scope for imparting any training or education to Master Daksh in the present academic session.

15. Mr. Dhruv Rohatgi, learned counsel appearing on behalf of the respondent no.2/DoE submits that insofar as the issue with regard to 25% of admission of students to weaker sections under the Act is concerned, the



same has already been settled by this Court in **Rameshwar Jha** (*supra*). He further contends that percentage which is prescribed under Section 12(1)(c) of the Act is the minimum threshold and there is no cap on the same.

16. He invites attention of the Court to Section 15¹ of the Act to contend that a child has to be admitted in a School at the commencement of the academic year or within such extended period as may be prescribed. He submits that the first proviso to the Section lays down that no child shall be denied admission if such admission is sought subsequent to the extended period whereas the second proviso provides that any child admitted after the extended period shall complete his studies in such manner prescribed by the appropriate Government therein.

17. He submits that the Government has framed Rule 5² in the Rules and sub-rule (2) thereof specifically provides that child shall, upon induction into the age appropriate class after special training, continue to receive special attention of the teacher to enable him to successfully integrate with the rest of the class, academically and emotionally. Elaborating on his submission, he further submits that even if late admission is made, the school is under

¹ **Section 15. No denial of admission.**—A child shall be admitted in a school at the commencement of the academic year or within such extended period as may be prescribed:

Provided that no child shall be denied admission if such admission is sought subsequent to the extended period:

Provided further that any child admitted after the extended period shall complete his studies in such manner as may be prescribed by the appropriate Government.

² **Rule 5. Special Training.** — (1) The School Management Committee of a school owned or managed by the Government or the local authority shall identify children requiring special training and organise such training in the following manner, namely:-

(a) the special training shall be based on specially designed, age appropriate learning material, approved by the academic authority specified in sub-section (1) of section 29 of the Act; (b) the said training shall be provided in classes held in the premises of the school or in classes organised in safe residential facilities;

(c) the said training shall be provided by teachers working in the school, or by teachers specially appointed for the purpose;

(d) the duration of the said training shall be for a minimum period of three months which may be extended, based on periodical assessment of learning progress, for a maximum period not exceeding two years.

(2) The child shall, upon induction into the age appropriate class after special training continue to receive special attention by the teacher to enable him/her to successfully integrate with the rest of the class,



obligation to provide special training to the child so that he can be brought at par with his peers.

18. He further contends that Section 16³ of the Act also mandates that no child admitted in a school shall be held back except in the fifth class and the eighth class nor any child can be expelled from the school till the completion of elementary education.

19. In support of his submissions, Mr. Rohatgi places reliance on the following decisions:

- i. **Rameshwar Jha** (*supra*)
- ii. **Shivank Mathur v. Directorate of Education and Anr., W.P.(C) 16221/2022**
- iii. **Master Arpit v. Adriel High School and Anr., W.P.(C) 2848/2024**

20. For the sake of completeness, it may also be mentioned that on account of certain discrepancies noted by the DoE, respondent no.1/school was de-recognized by the DoE on 16.07.2022, however, the recognition of the school now stands restored w.e.f. 10.02.2025.

21. Mr. Deepak Yadav, the learned counsel for the respondent no.1/school submits that decision in **Master Arpit** (*supra*) is *per incuriam* inasmuch as in the said decision, the decision of Division Bench of this Court in **Justice for All** (*supra*) was not taken into consideration.

academically and emotionally.

³ **Section 16. Examination and holding back in certain cases.**—(1) There shall be a regular examination in the fifth class and in the eighth class at the end of every academic year.

(2) If a child fails in the examination referred to in sub-section (1), he shall be given additional instruction and granted opportunity for re-examination within a period of two months from the date of declaration of the result.

(3) The appropriate Government may allow schools to hold back a child in the fifth class or in the eighth class or in both classes, in such manner and subject to such conditions as may be prescribed, if he fails in the re-examination referred to in sub-section (2):

Provided that the appropriate Government may decide not to hold back a child in any class till the completion of elementary education.



22. Having heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondent no.1/school, as well as, the learned counsel for the respondent no.2/DoE, two questions arise for consideration of this Court in the present writ petition. Firstly, whether the school is to be compensated by the DoE if the admissions are made by the school under the EWS category beyond the threshold of 25% of the strength of the class prescribed under Section 12(1)(c) of the Act. Secondly, whether Master Daksh can be granted admission at this belated stage when the academic session 2024-25 has almost come to an end.

23. Section 12(1)(c) of the Act provides that the school is under obligation to admit the children belonging to weaker sections to the extent of at least 25% of the strength of that class. Apposite would it be to reproduce the Section 12(1)(c) which reads as under:

“12. Extent of school’s responsibility for free and compulsory education – (1) For the purpose of this Act, a school

XXXX

XXXX

XXXX

XXXX

(c) specified in sub-clauses (iii) and (iv) of clause (n) of section 2 shall admit in class I, to the extent of at least twenty-five per cent of the strength of that class, children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory elementary education till its completion:

Provided further that where a school specified in clause (n) of section 2 imparts pre-school education, the provisions of clauses (a) to (c) shall apply for admission to such pre-school education.”

(emphasis supplied)

24. A coordinate bench of this Court in **Rameshwar Jha** (supra) had the

(4) No child shall be expelled from a school till the completion of elementary education.]



occasion to deal with the question as to what is the method of calculating the percentage of 25% of the admission to students from weaker sections under the Act - whether it is calculated on the basis of actual strength of the class or as per the declared strength for an academic year and whether the prescribed percentage is a cap on reservation or a basic threshold that needs to be followed.

25. The Court held that the minimum 25% of the children belonging to weaker and disadvantage sections of the society to be admitted in class is not to be calculated on the basis of students actually admitted in an academic year, but has to be calculated on the basis of the strength as self-declared by the school. Further, the percentage of 25% prescribed by the provision is not an upper limit, rather it is a minimum figure decided by the Parliament in its wisdom. The relevant part of the decision reads thus:

*“78. The interpretation of the phrase ‘strength of the class’ to suggest that it means the student actually admitted in an academic year is fallacious since the intent of the Act is to ensure that a minimum of 25% of children admitted belong to weaker and disadvantaged sections. **It is also to be noted that the words used in the provisions are “shall” and “at least”, which in a plain reading itself suggest that the limit thus prescribed is not at all an upper limit rather it is a minimum figure decided by the parliament in its wisdom.***

XXXX

XXXX

XXXX

XXXX

*80. In any case, even if it is presumed for a moment that few less admissions are carried out, it still should not affect the number of admissions of EWS students since, the object of imparting education is charitable and not to profiteer and the appropriate government is duty bound to reimburse the expenses of the students admitted against the EWS category. **Therefore, no question arises to peg the number/percentage of the students admitted under the weaker section category to the actual number of admissions. It is thus settled that the number of the students to be admitted has to be***



calculated on the basis of the strength as self-declared by the school.”

(emphasis supplied)

26. As regards the submission of Mr. Yadav that if any admission is made beyond 25%, the DoE has to compensate the school concerned, suffice it to say that no provision has been pointed out by Mr. Yadav to show that there is any such obligation on part of the respondent no.2/DoE. Further, when it has been held that by this Court in ***Rameshwar Jha*** (supra) that twenty five percent is a basic threshold and not the maximum limit for admitting the children belonging to weaker section and disadvantaged group, the question does not arise for compensating the respondent no.1/school by the DoE for fulfilling its statutory obligation of admitting students beyond twenty five percent.

27. Now coming to the next question as to whether the admission of Master Daksh can be permitted at this stage when the session has almost come to an end, it may be noticed that the Coordinate Bench of this Court in ***Neeraj Kumar*** (supra) after adverting to Section 15 and Rule 13, as well as, Rule 5 of the Rules has held that admissions under the EWS quota must take place before 31st December of the academic year so that minimum period of at least 03 months of training as provided in Rule 5(1)(d) of the Rules could be imparted to the children.

28. The decision of ***Neeraj Kumar*** (supra) has no doubt been followed by other Coordinate Benches of this Court in ***Radha Krishan & Ors. v. Bal Bharti Public School & Ors.***⁴, ***Bushra Riyaz*** (supra) and ***Bhagwan Singh*** (supra) but at the same time in the later decision in ***Master Arpit*** (supra) yet another Coordinate Bench of this Court referring to the decision of the

⁴ 2018 SCC OnLine Del 8329



Division Bench passed in W.P(C) 1580/2022 titled as **Baby Nikshita v. DoE**⁵ in which direction was given by the Division Bench for the admission as late as on 18.02.2022, observed that once the Division Bench has passed directions for provisional admission after 31st December had been crossed, it is no longer open to refuse orders of provisional admission on the ground that cut-off date 31st December has already passed. In **Master Arpit**, the Court also distinguished the earlier decisions in **Radha Krishan** (supra) and in **Bushra Riyaz** (supra) as well. The relevant part of the decision in **Master Arpit** reads thus:

*“16. In fact, this precise issue is presently in seisin before the Division Bench of this Court in **Baby Nikshita**. In para 6.1 of the order dated 18 February 2022 passed in the said writ petition, the Division Bench of this Court has observed thus:*

“6.1 As indicated above, the issue concerning the cut-off date which has been stipulated by a learned single judge of this Court, via judgment dated 31.03.2017 passed in W.P(C) 7945/2016 out of which LPA 5/2022 has arisen, requires consideration.”

17. Thus, the Division Bench of this Court is presently clearly of the view that the issue of whether 31 December can be adopted as a hard and fast cut-off date beyond which no order of provisional order can be passed requires consideration.

18. Para 9 of the said order is of stellar significance, though Ms. Surbhi sought to submit that it was merely an incidental observation. In para 9, the Division Bench has in fact directed the DoE to issue afresh advertisement against which the petitioners before it and others are eligible have been given permission to apply. The DoE has been directed, thereafter, to conduct draw of lots and allocates schools to the successful students.

19. This order was passed on 18 February 2022 much after 31 December.

20. Thus, after the order dated 18 February 2022 of the Division

⁵ WP (C) 1580/2022, dated 18.02.2022.



Bench in Baby Nikshita, it can no longer be said that the fixing of cutoff date 31 December as a date beyond which no order of provisional admission can be passed, is a principle which should be regarded as judicially binding, till a hierarchically superior court speaks on it.

21. The reliance, by Ms. Surbhi, on the judgment of the Division Bench in **Jeet S. Bisht** is misconceived. Para 21 of the said decision, on which she places reliance, reads thus:

“21. It is well settled that a mere direction of the Supreme Court without laying down any principle of law is not a precedent. It is only where the Supreme Court lays down a principle of law that I will amount to a precedent.”

22. Quite obviously, the enunciation of law in para 21 of **Jeet S. Bisht** is with respect to Article 141 of the Constitution of India and the declaration of law by the Supreme Court thereunder.

23. We are not concerned with any such situation in the present case. The simple position is that, once the Division Bench of this Court in its order in Baby Nikshita, passed provisional directions for admission after 31 December had been crossed, it is no longer open to a single judge to refuse orders of provisional admission on the ground that the cut-off date of 31 December has already passed.

24. Single Judges of this Court have to follow the view that is adopted by Division Benches. If a single Judge of this Court were to adopt a view that no order of provisional admission can be passed after 31 December, it would amount to the single Judge taking a view contrary to para 9 of the order dated 18 February 2022 in Baby Nikshita.

25. That is obviously impermissible.

26. This is not a matter of treating the decision in **Baby Nikshita** as a precedent. It is merely a matter of maintaining judicial consistency and ensuring that a course of action which has been commended itself to the Division Bench should also commend itself to the single Judge. The decision in **Jeet S. Bisht** can be of no assistance in that regard.

27. As **Baby Nikshita** is a judgment of the Division Bench of this



Court, I need not burden this judgment by reference to **Radha Krishan**, which is an order passed by a learned single Judge.

28. Insofar as **Bushra Riyaz** is concerned, that case dealt with an entirely different issue of whether, on the basis of shortlisting based on a computerised draw of lots conducted by the DoE for one particular year, the court could pass order directing admission of the candidate for succeeding year, for which no allotment had been finalised.

29. We are not concerned, in the present case, with such a situation, as the petitioner approached this Court for admission in the respondent school for 2023-2024, for which the petitioner had been shortlisted on the basis of a computerised draw of lots conducted by the DoE.

30. In that view of the matter, the Court regrets that it is unable to agree with the submissions advanced by Ms. Surbhi.

31. This writ petition, therefore, has to follow the course set by various other orders of this Court including **Jai** and **Niharika v. DOE**.

32. Resultantly, the provisional admission granted to the petitioner in the Respondent 1 school is finalised and is made regular. The petitioner would continue to be educated by the Respondent 1 school as an EWS candidate in accordance with the RTE Act and would be entitled to all amenities and conveniences to which such a student is entitled such as textbooks, uniforms and the like.”

(emphasis supplied)

29. Mr. Yadav has contended that the decision in **Master Arpit** (*supra*) is *per incuriam* as it does not take note of the Division Bench’s order dated 14.03.2018 in **Justice for All** (*supra*). It is apposite to note that the decision in **Neeraj Kumar** (*supra*) was brought to the notice of the Division Bench of this Court in **Justice for All** (*supra*) to submit that in light of **Neeraj Kumar** (*supra*), the Govt. of NCT of Delhi cannot proceed with admissions beyond 31st of December of any given academic year and that any leftover seats would be carried forward and added to the forthcoming years with respect to



the academic session. Thus, the Division Bench *vide* order dated 14.03.2018, having regard to decision in **Neeraj Kumar** (supra), modified the directions to the contrary passed by it in its earlier order dated 21.02.2018 and observed that the same need not be complied with. The relevant para of order dated 14.03.2018 in **Justice for All** (supra) reads as under :-

It is submitted that in the light of the previous judgment of this Court in Neeraj Kumar vs. Ventekeshwar Global School [WP(C) 7945/2016 decided on 31.3.2017], the Govt. of NCT of Delhi cannot proceed with admissions beyond 31st December of any given academic year and that any leftover seats would be “carried forward and added to the forthcoming years with respect to the academic session”. Having regard to the order in W.P(C) 7945/2016, directions of 21.02.2018 to the contrary are hereby modified; they need not be complied with.

(emphasis supplied)

30. In order dated 21.02.2018⁶, the Division Bench apart from giving directions which were aimed at streamlining the admission process for minimum 25% quota for SC/DG/EWS had also directed for immediately inviting applications as and when vacancies in the said quota were intimated. It had also directed that website/portal for the said admissions shall be updated on weekly basis. The relevant directions are as under:-

3. The Govt. of NCT of Delhi shall ensure that there is a continuous monitoring mechanism which oversees the admission process on a dynamic basis; furthermore, whenever vacancies occur in the course of an academic year (in respect of the 25% quota under the RTE Act) immediate intimation of such vacancies should be made and applications called for, to fill such seats. For this purpose, the website/portal concerned should be updated on a weekly basis and all notices should be likewise uploaded at the time

⁶ *Justice for All* (supra)



of such revision.

4. *Learned counsel for NCT of Delhi submits that a comprehensive affidavit required of by the court in its previous order, would be filed shortly. While doing so, the government shall also endeavor to comply with the above directions and indicate its action taken in this regard, in its affidavit.*

(emphasis supplied)

31. A conjoint reading of above quoted two orders of the Division Bench in ***Justice for All*** (supra) shows that directions contained therein are the mandate for the Govt. of NCT of Delhi that it cannot proceed to make admissions beyond 31st December. The purpose is to have fixed schedule, streamline and monitor the process of admissions under the category of SC/DG/EWS and that the vacant seats in a particular session could become known well in advance and could be carried forward for the next year. The said two orders of the Division Bench do not prevent the Court to issue directions for admission under the category of SC/DG/EWS even after 31st December where the school for unjustified reasons has failed to abide by the mandate of the Act and has denied admission under the said category, leaving the hapless parents of eligible child high and dry.

32. Therefore, the submission of Mr. Yadav that the decision in ***Master Arpit*** (supra) is *per incuriam* does not hold any water.

33. This Court cannot be oblivious of the fact that in the draw of lots the respondent no.2/DoE had allotted a seat to Master Daksh in respondent no.1/school under the SC/DG category and his name was at serial no. 18 in the list provided by the DoE. However, the respondent no.1/school for untenable reason did not grant admission to Master Daksh. The petitioner had thus, requested the respondent no.1/school as well as repeatedly sought intervention of the respondent no.2/DoE. The respondent no.2/DoE had also



issued a notice dated 09.09.2024 to the respondent no.1/school directing to grant admission to the Master Daksh and also warned the school of an action if admission is not granted.

34. Despite that the respondent no.1/school did not admit Master Daksh in the school. Clearly, the petitioner did not sleep over his right, rather he had been pursuing the matter with the respondent no.1/school, as well as, with the respondent no.2/DoE.

35. Also to be noted, that the petitioner did not apply for admission of his son i.e. Master Daksh under the SC/DG category for the next academic year 2025-26, possibly for the reason that the petitioner was diligently pursuing the matter with the respondents with a profound hope that his grievance would be redressed and Master Daksh's statutory right to elementary education will be protected and given effect to.

36. On a query posed by the Court as whether the petitioner can be accommodated for the next academic session, Mr. Rohatgi submits that ordinarily no seat in the SC/DG category for the year 2024-2025 should remain vacant. However, if any seat remains vacant, the same shall be carried forward to the next session i.e. 2025-26 and allotted as per the draw of lots. He submits that the DoE has received as many as Two Lac applications under SC/DG category for the session 2025-26.

37. As noted above the petitioner has not applied for his son's admission for the next academic session 2025-26, therefore, his son will lose two years if he is not accommodated against the seat allotted to him in the respondent no.1/school for the present academic session i.e. 2024-25. Further, in case the seat remains vacant, it would get carried forward to the next year.

38. Unquestionably, the respondent no.1/school was under a statutory obligation to grant admission to Master Daksh under the SC/DG category



after he had succeeded in the draw of lots and was allotted a seat in the respondent no.1/school. The respondent no.1/school cannot take advantage of its own wrong and take the plea of cut-off date having passed. Non-grant of admission by the respondent no.1/school to Master Daksh in SC/DG category is clear violation of the Act. The petitioner is in no manner responsible for the delay.

39. In light of the above discussion, this Court is of the view that the present petition deserves to be allowed.

40. Since the academic session 2024-25 is at fag end, Mr. Dhruv Rohatgi, submits that in the peculiar facts of this case, Master Daksh could be admitted against the seat allotted to him for the academic session 2024-25 and can be promoted to the next class in the next academic session 2025-26 as no child can be detained and held back except in fifth class and eight class⁷.

41. Even Section 4⁸ of the Act mandates imparting of special training to the child who could not complete his or her elementary education and is directly admitted in a class appropriate to his or her age. The purpose of said provision is to bring the child at par with others.

⁷ Section 16 (3): **16. Examination and holding back in certain cases**

XXXX

XXXX

XXXX

(3) The appropriate Government may allow schools to hold back a child in the fifth class or in the eighth class or in both classes, in such manner and subject to such conditions as may be prescribed, if he fails in the re-examination referred to in sub-section (2):

Provided that the appropriate Government may decide not to hold back a child in any class till the completion of elementary education.

⁸ **4. Special provisions for children not admitted to, or who have not completed, elementary education.—**
Where a child above six years of age has not been admitted in any school or though admitted, could not complete his or her elementary education, then, he or she shall be admitted in a class appropriate to his or her age:

Provided that where a child is directly admitted in a class appropriate to his or her age, then, he or she shall, in order to be at par with others, have a right to receive special training, in such manner, and within such time-limits, as may be prescribed:

Provided further that a child so admitted to elementary education shall be entitled to free education till completion of elementary education even after fourteen years.



2025:DHC:2434



42. In view of the above, respondent no.1/school is directed that the Master Daksh be granted admission in Nursery/pre-school under the SC/DG category for the academic session 2024-25 as per the allotment made by the DoE and he shall be promoted to the next class in the academic session 2025-26. However, to make up for the studies/training which Master Daksh has missed on account of illegal stance of the respondent no.1/school, the latter is directed to ensure special attention and training to Master Daksh for period of three months along with the training for the next class, to enable him to integrate with rest of the class emotionally and academically.

43. The petition alongwith pending application is disposed of, in the above terms.

VIKAS MAHAJAN, J

MARCH 28, 2025/jg/dss