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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 125/2026, CM APPL. 15510/2026, CM APPL. 15511/2026 &
CM APPL. 15513/2026

BABY VARNIKA THROUGH HER MOTHERAppellant
Through: Mr. Anuj Kapoor, Mr. Shivom Sethi
and Mr. Nandeesh Nanda, Advocates.

versus
DIRECTORATE OF EDUCATION & ANR.Respondents
Through: Mr. Dhruv Rohatgi, Panel Counsel
with Ms. Chandrika Sachdeva and
Mr. Dhruv Kumar, Advocates for
GNCTD.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJAS KARIA

% **ORDER**
13.03.2026

CM APPL. 15512/2026 (for delay)

1. This is an Application filed on behalf of the Appellant seeking condonation of delay of 34 days in filing the present Letters Patent Appeal.
2. For the reasons stated in the Application, the same is allowed. The delay of 34 days in filing the present Letters Patent Appeal is hereby condoned.
3. The Application stands disposed of.

LPA 125/2026

4. Heard the learned Counsel for the Parties.
5. This *intra court* Appeal seeks to assail the order dated 19.12.2025 (“**Impugned Order**”) passed by the learned Single Judge, whereby W.P.(C) 19129/2025 (“**Writ Petition**”) instituted by the Appellant – Petitioner has been dismissed.



6. At this juncture itself, we may notice that the prayer made by the Appellant in the Writ Petition filed before the learned Single Judge was that an appropriate direction may be issued to the Respondents, especially Respondent No. 2-Maxfort Public School, Rohini, to admit / enrol the Appellant / Petitioner in Nursery / Pre-Nursery Class for the Academic Session 2025-26. Certain other ancillary prayers were also made.

7. It has been argued by the learned Counsel for the Appellant that in terms of the provisions of the Right of Children to Free and Compulsory Education Act, 2009 (“**RTE Act**”) it is the fundamental right of an eligible child to seek admission, and by not permitting the Appellant to be admitted in Pre-Nursery Class for the Academic Session 2025-26, Respondent No. 2-Institution has denied her fundamental right on flimsy and untenable grounds.

8. It has also been averred on behalf of the Appellant that once the Department of Education, after scrutinizing all the details submitted by the Appellant in her application, recommended the name of the Appellant for being admitted in Respondent No. 2-Institution, it was not open to Respondent No. 2-Institution to have denied her admission on any ground much less for the reasons which are indicated by Respondent No. 2-Institution.

9. Mr. Anuj Kapoor, the learned Counsel representing the Appellant has also made a submission that in terms of the provisions contained in Section 15 of the RTE Act, a child can be admitted not only at the commencement of the academic session but also within such extended period as may be prescribed. He has also stated that in terms of the two provisos appended to Section 15 of RTE Act, no child can be denied admission even if such admission is sought subsequent to the extended period and further that any



child admitted even after the extended period shall complete his / her studies in such manner as may be prescribed by the appropriate Government. Based on the aforesaid provision, the learned Counsel for the Appellant argues that though the Academic Session 2025-26 had started way back on 01.04.2025, however, even if the Appellant is ordered to be admitted now, her admission shall be saved in terms of the two provisos appended to Section 15 of the RTE Act.

10. Having analysed the submissions made by the learned Counsel for the Appellant what we find is that the main plank of his argument is that once the Department of Education, after scrutiny of the application of the Appellant, had recommended the Appellant to be admitted in the Pre-Nursery Class at Respondent No. 2-Institution, the Institution did not have any power not to offer the admission or to have cancelled the same.

11. On the other hand, Mr. Dhruv Rohatgi, learned Panel Counsel representing the Department of Education, has argued that if any discrepancy in the application form is detected even after the recommendation made by the Department of Education, the admission can be denied, which according to the learned Counsel for the Department of Education is the case here.

12. He has also argued that as a matter of fact the discrepancy in the application form submitted on behalf of the Appellant, though appears to be innocuous in nature, however, many such instances have come to the notice of the Department of Education where unlawful advantage is being sought by the parents of the students by making multiple applications, either by disclosing incorrect facts or by furnishing incorrect information and varied information in different application forms. According to the learned Counsel for the Department of Education, such practice should not be encouraged



otherwise the same would defeat the very purpose and object of the enactment of the RTE Act. He has defended the Impugned Order, whereby the prayer made by the Appellant has been rejected by the learned Single Judge.

13. We have considered the respective submissions made by the learned Counsel for the Parties and have also perused the records available before us on this Letters Patent Appeal.

14. The Appellant had made an application under the RTE Act seeking her admission to Pre-Primary Class for the Academic Session 2025-26, which commenced on 01.04.2025. The claim of the Appellant was made as a Disadvantaged Group (“**DG**”) / Other Backward Class category. The particulars in the said application form for registration revealed that name of one Ms. Priyanka was shown as her legal guardian. Subsequently, a letter dated 11.09.2025 is said to have been received from the father of the Appellant stating that the said Ms. Priyanka was not the legal guardian and, therefore, if such information is found to be wrong, the admission may be cancelled.

15. It is also to be noticed that the application form on behalf of the Appellant also left the column of parents as blank, however, the Department of Education, after scrutiny of the application, recommended the Appellant for being admitted with Respondent No. 2-Institution in Pre-Nursery Class. It was at a later stage noticed by Respondent No. 2 such discrepancies occurring in the application form by the Appellant and on this count the admission has been denied to her.

16. The learned Single Judge has noticed all the aforesaid facts including the submission made by the learned Counsel for the Appellant that the mistake or discrepancy, which is reflected from the application form for



registration of the Appellant, was a *bona fide* mistake and, therefore, no benefit can be permitted to be taken by Respondent No. 2-Institution denying admission to the Appellant – Petitioner on account of such a *bona fide* mistake, which occurred in the application form submitted for registration of the Appellant.

17. The learned Single Judge on the basis of appropriate consideration of the respective submissions of the Parties concluded that the Writ Petition was not only an abuse of the process of law but also it amounts to abusing the Economically Weaker Sections (“EWS”) / DG Scheme, which was introduced with a laudable object of giving free education to the deserving students under the RTE Act. The learned Single Judge has also returned a finding that in the instant case, after filling the application form for the registration, in the column ‘guardian’s name’, name of Ms. Priyanka was mentioned and on the said basis in the draw of lots, the Appellant was declared eligible for allotment of a seat in Pre-Nursery Class at Respondent No. 2-Institution on the basis of recommendation made by the Department of Education.

18. The learned Single Judge has also arrived at a conclusion that after the application form was filled showing Ms. Priyanka as the guardian of the Appellant, a letter was received from her father stating that Ms. Priyanka was his sister in law and not the legal guardian of the Appellant and, therefore, if any wrong information has been given in the application form, the admission may be cancelled.

19. The learned Single Judge has further noticed the detailed guidelines issued by the Department of Education which govern such admissions under the RTE Act and has concluded that while filling the application form for registration, Ms. Priyanka was shown as the legal guardian of the Appellant, which information is false according to the father of the Appellant.



20. The learned Single Judge, in the Impugned Order, has also observed that the parents of the Appellant are illiterate and, therefore, the application form for registration of the Appellant was filled in by her aunt, i.e., Ms. Priyanka, however, this does not justify showing Ms. Priyanka as the legal guardian of the Appellant. It has also been concluded by the learned Single Judge that this will also not justify non-mentioning of the names of the parents of the Appellant in the column meant for furnishing such information in the application form.

21. The learned Singel Judge has also noted the argument made on behalf of the Appellant that once the recommendation is made by the Department of Education, Respondent No. 2-Institution cannot deny admission, however, such argument has not been accepted giving reasoning that the Department of Education had taken a position before the learned Single Judge that after the discrepancy was brought to the light of Respondent No. 2-Institution, it was open to the discretion of Respondent No. 2-Institution to cancel the admission and also that once it is established by Respondent No. 2-Institution that there is a clear discrepancy in the information submitted along with the application form, the recommendation made by the Department of Education losses any meaning. On the aforesaid counts, the Writ Petition has been dismissed.

22. We may note that detailed guidelines have been issued by the Department of Education, which are embodied in a circular dated 02.01.2025. As per the scheme of the said circular, all the applications submitted are to be scrutinized by the Department of Education and even opportunity of removal of the discrepancy is also to be provided by the Department of Education. It also provides that it is the Department of Education which shall make the recommendation of the names of the



allotted candidates whose documents are found in order, for admission under the EWS / DG category or Child with Special Need (CWSN) category to the respective allotted Private Unaided Recognized Schools. It also provides that if any discrepancy is found in the documents provided by the allotted candidates, deficiency memo will be issued to such candidates and he / she shall be given 15 working days to submit valid / updated document for claiming *bona fide* entitlement of admission under the aforesaid categories. The said circular further provides that on submission of the valid / updated document, a reasoned and speaking order shall be passed by the Deputy Director of Education of the zone concerned based on the recommendation of the zonal team on admission of EWS category candidates and that the speaking order so passed shall be final and binding upon the private schools to grant admission to the recommended candidates.

23. So far as the instant case is concerned, all the stages as given in the Standard Operating Procedure embodied in the circular dated 02.01.2025 were cleared, inasmuch as that the recommendation was made in respect of the Appellant to grant her admission in the Pre-Nursery Class at Respondent No. 2-Institution. However, it is thereafter that the Institution has denied her admission giving a reason that the application made by the Appellant was not in order for the fact that the application form wrongly disclosed Ms. Priyanka as the legal guardian of the Appellant and also that the application form did not contain any information as regards the parents of the Appellant.

24. Finding the aforesaid discrepancies in the application form, the admission has been denied, and such action of Respondent No. 2-Institution has been supported by the learned Counsel representing the Department of Education stating *inter alia* that if such admission is permitted, the same may amount to misuse of the provisions of the RTE Act. To buttress such



submission, the learned Counsel representing the Department of Education has also argued that it has been noticed by the Department of Education that multiple application forms are being filled in by unscrupulous parents of such children belonging to such categories with a view to take the benefit of increased chances of admission for the reason that the admission is offered to such children by draw of lots and in case the multiple applications are considered, by giving incorrect information or varied information in different applications, per chance the children may get admission on draw of lots.

25. He has stated on behalf of the Department of Education that in a particular zone as many as 15 writ petitions were filed where the admissions were cancelled for the reason that the application forms made in respect of those admissions were found to have contained forged / fake documents, however, once the aforesaid facts were brought to the notice of the Court in those writ petitions, the petitions have not been pursued any further and were either withdrawn or dismissed for non-prosecution. The submission, thus, on behalf of the Department of Education is that in the instant case, if any order or direction is given or passed for giving admission to the Appellant, the same will set a bad precedent where despite the application forms made on behalf of the students concerned suffering from vice of various discrepancies, such students will get admission which will be against the very spirit of the RTE Act. His submission is that such prayer ought not be considered.

26. We find force in what has been submitted by the learned Counsel representing the Department of Education. The very aim and object of the RTE Act is to provide quality and compulsory education to all the children including the children belonging to the various reserved categories,



however, if the prayer made in the Writ Petition by the Appellant is granted, the same would encourage such malpractices as has been pointed out by the Department of Education.

27. So far as the submission made by the learned Counsel for the Appellant based on Section 15 of the RTE Act is concerned, we may observe that Section 15 of the RTE Act provides that a child can be admitted not only at the commencement of the academic year but also within such extended period as may be prescribed. The two provisos appended to Section 15 of the RTE Act also guarantee the fundamental right of a child to seek admission, however, we notice that what Section 15 speaks about is that admission to a child cannot be denied if it is being sought or offered beyond the commencement of the academic session. In our opinion, the provisions contained in Section 15 of the RTE Act do not help the cause of the Appellant.

28. We may also notice that there is no denial of the fact that the application form filled in on behalf of the Appellant contained a wrong assertion that Ms. Priyanka was her legal guardian. It is also not denied that the particular column of the application form, which required disclosure of the names of the parents of the Appellant was not filled in and no information was provided, keeping the same as blank. Even if we assume that Ms. Priyanka was the legal guardian of the Appellant, denial made by the father of the Appellant cannot be lost sight of where he has clearly indicated that Ms. Priyanka was not the legal guardian of the Appellant. The father of the Appellant has gone even to the extent of stating in his letter that in case any wrong information has been furnished in the application form of the Appellant, her admission may be cancelled.



29. There is yet another reason why the prayer made by the Appellant at this juncture cannot be allowed. The recommendation made in favour of the Appellant by the Department of Education for her admission to Pre-Nursery Class at Respondent No. 2-Institution was made for the Academic Session 2025-26, which admittedly commenced on 01.04.2025. The admission was thus denied to the Appellant in April 2025, however, the Writ Petition before the learned Single Judge was instituted only in the month of December 2025. Thereafter, the Writ Petition was dismissed on 19.12.2025 and now the Appeal has been filed in the month of March 2026, when the next Academic Session 2026-27 is to commence from 01.04.2026. The seat against which the Appellant was recommended to be admitted might have been filled in by Respondent No. 2-Institution by now. The Appellant has not undergone any study in Respondent No. 2-Institution for all this period and, therefore, offering her admission to the next higher Class at this juncture, in our opinion, would be unwarranted.

30. For the aforesaid reasons, we do not find any good ground to interfere with the Impugned Order passed by the learned Single Judge, which is under challenge herein. The Appeal lacks merit which is hereby dismissed. All pending Applications stand disposed of.

31. At this juncture, an offer was made by the learned Counsel representing the Department of Education that in case the Appellant now seeks her admission even in higher Class of Nursery in a Government School, possibility of such admission can be explored and accordingly, she may be offered admission. The said offer has, however, not been accepted by the Appellant as stated by the learned Counsel representing her. The learned Counsel representing the Department of Education has also stated that in case the Appellant makes her application seeking her admission



under the RTE Act for the Academic Session 2026-27, her application shall be considered in accordance with law and that it may also be put to draw of lots, if the application is otherwise found in order. The said statement made by the learned Counsel representing the Department of Education is, thus, noted.

32. There shall be no order as to costs.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

MARCH 13, 2026

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