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

+ W.P.(C) 9818/2023

ASHOK KUMAR

..... Petitioner

Through: Mr. R.H.A. Sikander, Mr. Sanawar
Chaudhary and Mr. Harshit Gahlot,
Advocates.

versus

GOVT. OF NCT OF DELHI AND ORS.

..... Respondents

Through: Mr. Santosh Kr. Tripathi, SC (Civil)
GNCTD with Mr. Utkarsh Singh and
Mr. Kartik Sharma, Advocates for R-
1 and R-2/DoE.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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26.07.2023

CM APPL. 37738/2023 (Exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed of.

W.P.(C) 9818/2023

By way of the present petition under Article 226 of the Constitution of India, the petitioner impugns the action on the part of respondent No.4/R.D. Rajpal Public School, Dwarka and respondent No.5/Paramount International School, Dwarka, whereby, despite a seat having been allotted to the petitioner's ward under the EWS/DG

Category in the said schools on no less than 03 occasions, the said schools have denied him admission.

2. Mr. R.H.A. Sikander, learned counsel for the petitioner submits, that in the first draw of slots on 01.10.2022, the petitioner's ward was allotted a seat in the EWS/DG Category by respondent No. 2/ Department of Education in respondent No.4/School in Class : Nursery for the Academic Session 2022-2023 but the school denied him admission. Thereafter, in a second draw of slots on 14.03.2023, the petitioner's ward was again allotted such seat in respondent No.4/School for Class : KG/Pre-Primary for the Academic Session 2023-2024; and yet again, respondent No.4/School did not grant him admission.
3. Counsel submits that thereafter respondent No.2/DoE conducted another draw of slots on 12.05.2023, whereby the petitioner's ward was allotted a seat for admission in Class : KG/Pre-Primary for the Academic Session 2023-2024 in respondent No.5 school but to no avail since respondent No. 5 also denied him admission.
4. Upon being queried, counsel submits that no answer has been offered by either of the schools nor have they cited any reason for denying admission. The admission was simply been denied.
5. Counsel further points-out, that all issues relating to admissions in EWS/DG Category stand concluded by a judgment of a Co-ordinate Bench of this court in a batch of petitions titled ***Rameshwar Jha vs. Principal, Richmond Global School & Ors*** bearing W.P.(C) No.1092/2021 decided on 16.12.2022 alongwith connected petitions.
6. Issue notice.

7. Mr. Utkarsh Singh, learned counsel appearing on behalf of Mr. Santosh Kumar Tripathi, Standing Counsel (Civil) accepts notice on behalf of respondents Nos.1, 2 and 3; and seeks time to file a counter-affidavit.
8. Mr. Singh submits that respondents Nos.4 and 5 have offered no response at all and there is no justification for the schools having denied admission to the petitioner's ward, which is a clear and blatant breach of the mandate of the law.
9. Upon being queried, Mr. Singh submits that though show cause notices can be issued and other steps can be taken against the schools, the ultimate result would only be the supersession of the management of the school and the school being taken-over by the Government, or at worst, the schools being shut-down, which would be to the greater detriment of a larger number of students attending those schools.
10. Upon the petitioner taking steps, let notice be sent to respondents Nos.4 and 5 by all permissible modes, returnable for the next date.
11. Let the notice indicate that counter-affidavits to the petition be filed within 02 weeks of service; rejoinders thereto, if any, be filed within 01 week thereafter; with copies to the opposing counsel.
12. This court has seen scores of matters whereby parents/children are compelled to approach the court in the face of blatant refusal by schools to follow the mandate of the law despite allotment of seats having been made by draw of slots by the DoE. Considering the somewhat brazen circumstances that the court find in the present case, the Principals of respondents Nos.4 and 5 schools are directed to file counter-affidavits under their own signatures, specifically stating the

reason for not granting admission to the petitioner's ward despite allotment of seat having been made by the DoE.

13. If the answers are not found cogent and sufficient, the court may be compelled to require the personal presence of the Principals before this court.
14. Considering that the last allotment to the petitioner's ward was made in respondent No.5/Paramount International School, Dwarka, New Delhi, the said school is directed to reserve 01 seat for the petitioner's ward *viz.*, Jayesh Kumar in Class : KG/Pre-Primary in the Academic Session 2023-2024. This order shall continue during the pendency of the present proceedings, until varied or set-aside.
15. Re-notify on 24th August 2023.

ANUP JAIRAM BHAMBHANI, J

JULY 26, 2023/ak