



2024:DHC:7348



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

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Reserved on: 05.09.2024
Pronounced on: 23.09.2024

+ **W.P.(C) 11191/2024**

BABY ISHITA RAWATPetitioner

Through: Ms. Aakansha Kaul and Ms.
Rhea Borkotoky, Advocates

versus

ADARSH PUBLIC SCHOOL & ANR.Respondents

Through: Mr. Karn Bhardwaj, ASC,
GNCTD with Mr. Shubham
Singh, Mr. Rajat Gaba and Mr.
Saurabh Dahiya, Advocates
for R-2/DoE.**SWARANA KANTA SHARMA, J.**

1. The instant petition under Article 226 of the Constitution of India has been filed by mother of the petitioner seeking following reliefs:

...a) Issue an appropriate writ, order or direction in favour of the petitioner and against the respondents thereby directing the respondents to admit/enroll and provide free books, writing material and dress to the petitioner in the respondent no. 1 school in the Class Nursery/Pre-School under the EWS/DG/CWSN category for the academic session 2024-25 with immediate effect or grant admission in the next higher class depending on the date of disposal of the writ petition by this Hon'ble court.

b) Issue an appropriate writ, order or direction in favour of the petitioner and against the respondents thereby directing the



Respondent No.1 to give the provisional admission to the petitioner with immediate effect till the pendency of this case.

c) Issue an appropriate writ, order or direction in favour of the petitioner and against the respondents thereby directing the Respondent no.-2 to give us an opportunity to make corrections in the child's registration form. And reissue the corrected allotment letter in name of parent of child..."

2. The present case arises from a series of circulars issued by respondent no. 2 i.e. Directorate of Education [*DoE*] regarding the admission process for EWS/DG/CWSN category students for the academic session 2024-25. On 17.01.2024, the DoE had issued a circular, listing tentative vacancies in schools participating in the draw of lots and had invited objections from the public, participating schools, and DDEs. This period was extended by a circular dated 25.01.2024. Subsequently, on 24.04.2024, guidelines for admission into entry-level classes under the EWS/DG/CWSN categories in private unaided recognized schools were issued, which also applied to respondent no. 1 i.e. Adarsh Public School, Uttam Nagar, Delhi. In compliance with these guidelines, the petitioner herein had applied for admission under the EWS category for the nursery class of respondent no. 1 school. However, while submitting the application, a clerical error had occurred wherein the names of the petitioner's grandparents had been mistakenly entered instead of the names of her parents. Eventually, the petitioner was allotted respondent no. 1 school through a computerized draw of lots held on 31.05.2024.

3. The grievance of the petitioner essentially is that despite this allotment, the School has refused to admit the petitioner, citing the clerical error in the application form. Although the DoE had extended



the reporting deadline to 15.07.2024, the School maintained its stand that it would not grant admission to the petitioner until the error was corrected by the DoE. It is stated that multiple efforts were made by the petitioner's parents to rectify the error and secure admission before the final deadline of 31.07.2024. After repeated failures to gain admission in the School, the petitioner has approached this Court seeking relief.

4. Learned counsel appearing on behalf of the petitioner submits that despite being allotted the respondent no. 1 School pursuant to draw of lots, the School has unjustly denied admission to the petitioner. It is also argued that even DoE has also failed to ensure compliance with its own guidelines, which clearly state that admissions must not be refused on frivolous grounds, such as clerical errors. It is contended that denying admission, on the basis of minor clerical mistake in the application form, violates the petitioner's right to education under the RTE Act and Article 21-A of the Constitution of India. It is further submitted that the 25% reservation mandated by the RTE Act must be strictly enforced, and the denial of admission by respondent no. 1, a private unaided recognized school, contravenes this statutory requirement. It is also argued that the petitioner's category certificate and other relevant documents were properly submitted, and respondent no. 1's refusal frustrates the purpose of the RTE Act, which guarantees free and compulsory education for children up to the age of fourteen. Therefore, it is prayed that the present petition be allowed.



5. Learned ASC appearing on behalf of the DoE submits that the respondent School is a school recognized by Municipal Corporation of Delhi [*'MCD'*] and thus, it is the Education Department of MCD, which ought to have been impleaded as a party in the present petition. It is further stated that there are three types of schools i.e. those recognized by the (i) DoE, GNCTD, (ii) MCD, and (iii) NDMC. It is argued that the role of DoE is only up to the stage of conducting computerized draw of lots, and thereafter, the education department of concerned authorities have to consider the grievance of students/candidates. In this regard, learned ASC draws attention of this Court to Circular dated 31.05.2024, issued by the DoE, which provides as under:

“3. All the grievances related to Private Unaided Recognized schools of Directorate of Education, all aggrieved parents can approach concerned Education Department of Directorate of Education, Delhi where Nodal officers for their respective Districts have been appointed and the details have been attached as Annexure ‘A’.

4. All the grievances related to Private Unaided Recognized schools of MCD, all aggrieved parents can approach concerned Education Department of Municipal Corporation Delhi where Nodal officers for their respective zones have been appointed and the details have been attached as Annexure ‘B’.

5. All the grievances related to Private Unaided Recognized schools of NDMC, all aggrieved parents can approach concerned Education Department of New Delhi Municipal Corporation where Nodal officers has been appointed and the details have been attached as Annexure ‘C’.”

6. Learned ASC further draws attention of this Court to the order/circular dated 29.05.2024, issued by the Education Department of MCD, which provides the details of Nodal Officers appointed for



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addressing any grievance of any student/candidate, which are as follows:

 **MUNICIPAL CORPORATION OF DELHI**
EDUCATION DEPARTMENT: HQ
Dr. Shyama Prasad Mukherjee Civic Centre
E Block, 15th Floor, JLN Marg, N Delhi-02

No.: D/...../ADE/Grant/Edu./HQ/MCD/2024
Date: 29/05/24

To
The Deputy Director of Education (PSB)
Directorate of Education, GNCTD,
Old Secretariat,
Delhi-110054.

Sir,

In reference to the upcoming admission cycle (for academic year 2024-25) for EWS/DG & CWSN students under section 12(1)(c) of RTE. South DMC is ready to bring onboard the online EWS/DG admission process starting for improving the coordination between the Public and Education Department, MCD and strengthens overall monitoring of the admission process.

In this regard, All Zonal DDEs are appointed as Nodal Officer for their respective zone.

The details of Nodal Officer are as under:-

S. No.	Name of the Nodal Officer	Present place of posting	Address	Contact Number
1.	Sh. Dhruw Sah	Sh. North	DC Office, Sh. North Zone, Keshav Chowk, Opp. Welcome Metro Station, Shahdara Delhi-53	8130191402
2.	Sh. Vijay Prakash singh jayara	Sh. South	419 Udyog Sada, Patparganj Industrial Area, Delhi-92	8802353724
3.	Sh. Om Prakash Meena	Central	Office of the DC Central Zone, Jal Vihar, New Delhi-110024	8588855340
4.	Sh. Naresh Kumar	West	Dr. Sahib Singh Verma Bhawan, Rajauri Garden, Near Shivaji College, New Delhi-110027	8882222227
5.	Sh. Ram Dayal Meena	South	Office of the DC South Zone, Green Park, New Delhi-110016	9971215363
6.	Smt. Sadhana Meena	Karol bagh	Nigam Bhawan, D.B. Gupta Road, Anand Parbat, Karol Bagh New Delhi-110005	858889276
7.	Sh. Sunil Kumar	Keshavpuram	Dr Satpal Sachdeva Marg, Keshav Puram, Tri Nagar, Delhi, 110034	9953676709
8.	Sh. Hukam Chand Meena	City SP Zone	Old Hindu College, Kashmiri Gate, Delhi-110006	8130543991
9.	Sh. Sunder Singh Dahiya	Rohini	Sector-5, Rohini, Delhi-110085	8588888180
10.	Sh. Mahipal	Narela	13, R-178, MDR 138, Rajeev Colony, Swatantra Nagar, Narela, Delhi, 110040	8053144934
11.	Sh. R.P. Singh	Civil Line zone	5 th Floor, 16, Rajpur Road, Delhi-54	8588888892
12.	Sh. Naresh Kumar Bhardwaj	Najafgarh	Office of the DC Najafgarh zone opposite Dhansa Bus Stand, Najafgarh, New Delhi-110043	9811351996

All Zonal DDEs are hereby directed to receive all the grievances/complaints and take necessary action to dispose of online/offline as per new system on EWS/DG admission.

7. In rebuttal, learned counsel for the petitioner submits that the petitioner had approached the MCD, however, the officials of MCD had informed the petitioner that only DoE could carry out changes/corrections in the initial admission/registration form, as the same was submitted to and accepted by the DoE.



8. This Court has **heard** arguments addressed on behalf of both the parties and has perused the material available on record.

9. It is undisputed that the biological father of the petitioner is Sh. Sunny Rawat and her biological mother is Smt. Laxmi Devi. The relevant documents relied upon by the petitioner seeking admission under the EWS category, including the Income Certificate issued by the District Magistrate, Dwarka, pertain to her biological father, Sh. Sunny Rawat. The petitioner's Birth Certificate and Aadhaar Card also correctly reflect the names of her biological parents. However, a typographical error had occurred while filling the admission/registration form, wherein, instead of her parents' names, the names of her grandparents, Sh. Anup Kumar Rawat and Smt. Veena Rawat, were inadvertently entered in the column meant for the parents' names. It is not disputed that this clerical mistake occurred while the petitioner was filling the form.

10. This Court notes that due to the absence of any provision for correction of details, and in light of the fact that the Directorate of Education does not provide any window for correcting errors once the form is submitted, the petitioner is now being denied admission to Respondent No. 1 School, for an inadvertent typographical error. This denial is despite the petitioner having a valid allotment letter and being otherwise eligible for admission under the EWS category, based on the submitted documents. This Court is of the opinion that refusing the petitioner admission in the school lawfully allotted to her due to the aforementioned clerical error would result in grave miscarriage of justice.



11. The respondent no. 1 School, being a private unaided school, is nonetheless bound to adhere to the guidelines and circulars issued by the DoE. The school does not have any authority or power to change the particulars which have been filled originally by the candidate for the purpose of draw of lots. Therefore, the school is now faced with the dilemma as to how it can, knowingly admit a child with incorrect details in the admission form, which are contrary to the documents filed by the candidate. At the same time, this Court is cognizant of the fact that a person applying for admission under EWS category, hail from disadvantaged strata of society and may commit typographical errors as many of them may not be highly educated or technologically proficient or cyber-literate. In some cases, the errors might occur due to the abovesaid, while in some other cases, they may occur as they rely on others to assist them with filling the form for submission process. Such mistakes, especially those resulting due to typographical errors, have the potential of depriving candidates of their lawful right of getting admission in the school allotted to them through a draw of lots.

12. This Court having considered the aforesaid is of the opinion that admission should not be denied to the petitioner herein, who has been allotted the respondent School by the DoE, pursuant to computerized draw of lots. It is also undisputed that the only impediment in granting admission to the petitioner is the clerical mistake in the admission form, as discussed hereinabove, whereas all the other conditions have been fulfilled and the documents are in order. Therefore, in the peculiar facts and circumstances of this case,



the Director of Education, DoE, GNCTD, is requested to ensure that the clerical mistake in the admission/registration form of the petitioner is corrected within a period of 15 days from the date of the petitioner moving an application in this regard. The respondent School shall ensure that the petitioner herein is granted admission, immediately, pursuant to such corrections being carried out by the DoE.

13. **Before concluding**, this Court deems it appropriate to request the Director of Education, GNCTD, to deliberate upon the issue of dealing with and addressing the issue of clerical or typographical errors in admission/registration forms as he deems appropriate, in view of the discussion in para no. 11 of this judgment. This Court **urges** the DoE to explore and consider framing appropriate guidelines or taking remedial measures to ensure that such errors may be corrected upon moving an appropriate application before the Director, DoE which may be corrected in deserving cases.

14. In above terms, the present petition along with pending application stands disposed of.

15. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J
SEPTEMBER 23, 2024/zp