
(2016) 04 DEL CK 0190

In the Delhi High Court

Case No : W.P.(C) 2551 of 2016 and CM APPL. 10864 of 2016

Bhumika Through Her Father Mohan Lal

APPELLANT

Vs

The Heritage School

RESPONDENT

Date of Decision : 01-04-2016

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2016) 232 DLT 125

Hon'ble Judges : Mr. Manmohan, J.

Bench : Single Bench

Advocate : Mr. Ajay Kumar, Advocate, for the Petitioner; Mr. K.P. Sunder Rao with Mr. Sanjeev Kumar and Ms. Seema, Advocates, for the Respondent Nos. 1 and 2; Mr. Siddhartha Shankar Ray, Advocate, for the Respondent Nos. 3 and 4

Final Decision : Dismissed

Judgement

Mr. Manmohan, J.—Present writ petition has been filed with the following prayers:-

"I. An appropriate writ to quash the impugned order dated 15.05.2015 issued by the respondent no.4 to the respondent no.1 to cancel the admission of the petitioner in the respondent School.

II. An appropriate writ to quash the impugned letter dated 28.05.2015 issued by the respondent no.1 to the petitioner to cancel the admission of the petitioner in the respondent school.

III. An appropriate writ directing respondent school to allow the petitioner to continue her study in the respondent school under disadvantaged group free ship category and provide all entitlements of that category.

IV. An appropriate writ the directing the respondent school to receive a fresh copy of all the original documents of the petitioner and place it in her school records.

V. Pass such further order/s as this Hon''ble Court may deem fit and proper in the facts and circumstances of the case."

2. Learned counsel for petitioner states that petitioner had applied for admission under Disadvantaged Group/Category where income certificate is not an essential requirement.

3. Learned counsel for petitioner further states that the definition of Disadvantaged Group includes a member of Scheduled Caste and therefore, irrespective of the income of her parents, the petitioner is entitled to admission under EWS/Disadvantaged Group. In support of his contention, he relies upon the Directorate of Education's Notification dated 07th January, 2011.

4. Learned counsel for respondent No.1-Heritage School states that seats for EWS/Disadvantaged Category are still available with it and minor can be accommodated in the school.

5. Learned counsel for Govt. of NCT of Delhi states that petitioner's new income certificate is a genuine certificate and it also discloses that the petitioner belongs to EWS Category.

6. This Court in a similar matter in the case of Master Vansh v. The Heritage School & Ors., W.P.(C) 557/2016 has held as under:-

"In pursuance to this Court's order, learned counsel for respondent nos. 1 and 2 enters appearance.

Keeping in view the fact that the parents of the petitioner belongs to lower strata of the society and the petitioner was entitled to admission under disadvantage group without production of any income certificate, this Court allows the present petition and directs respondent-School not to cancel the admission of the petitioner in the said School. This Court is also of the view that lapse, if any, was on the part of the petitioner's father and the minor child should not suffer for the same.

Petitioner is allowed to continue to study in the respondent-School under disadvantage group. He shall be entitled to all the benefits/ entitlements under the said group.

However, as the petitioner's father had admittedly produced a wrong income certificate, he is directed to pay cost of Rs. 5,000/- to the Lok Nayak Jai Prakash Hospital, Delhi within two weeks.

With the aforesaid directions, present writ petition and application stand disposed of. Order dasti."

7. Keeping in view the aforesaid order, the petitioner is allowed to continue her study in the respondent No.1-School under the Disadvantaged Group. She shall be entitled to all the benefits/entitlements under the said group.

8. However, as the petitioner's father had admittedly produced a wrong income

certificate, he is directed to pay cost of Rs.5,000/- to the Lok Nayak Jai Prakash Hospital, Delhi, within two weeks.

9. With the aforesaid directions, present writ petition and application stand disposed of.

10. Order dasti under the signature of Court Master to all parties.