

(2007) 12 DEL CK 0071
In the Delhi High Court
Case No : LPA 201 of 2007

Kriti Sisodia

APPELLANT

Vs

Directorate of Education and Another

RESPONDENT

Date of Decision : 03-12-2007

Acts Referred:

Citation : (2007) 12 DEL CK 0071

Hon'ble Judges : Dr. M.K. Sharma, C.J.; Sanjiv Khanna, J

Bench : Division Bench

Advocate : Ranjan Kumar, Ashok Agarwal and Mridul Chakravarty, for the Appellant; Avnish Ahlawat, for R-1 and Romy Chako, for R-2, for the Respondent

Judgement

Mukundakam Sharma, C.J.—This appeal is directed against the order dated 8th February, 2007, which was passed by the learned Single Judge whereby the writ petition filed by the appellant herein was disposed of with certain directions and observations.

2. A bare perusal of the aforesaid order would indicate that the impugned order was passed in the light of the prayers made by the guardian of the appellant herein seeking admission to lower KG class for his ward in the respondent school.

3. It was contended in the writ petition that the appellant was denied admission to the school by introducing a new admission criteria, contrary to the recommendations of the Ganguly Committee. The contention was that the respondent school had carved out a new procedure for admission on its own, without regard to the recommendations of the Ganguly Committee and in violation of the order passed by the Division Bench of this Court on various dates in LPA No. 196/2004

4. We have perused the impugned judgment and order as against which this appeal is filed and on going through the same we find that the aforesaid decision was rendered in the light of the recommendations of the Ganguly Committee and relates to the request for admission to the last academic year.

5. However, there has been a subsequent development thereafter inasmuch as the Ganguly Committee report was examined by the Government of NCT of Delhi, which, after considering views expressed by the Advisory Board, schools etc., has taken a policy decision by issuing a notification / order called 'The Recognized Schools (Admission Procedure for Pre-primary Class) Order, 2007' on 24th November, 2007 and 29th November, 2007.

6. After issue of the aforesaid order by the Government of National Capital Territory of Delhi, the admission process in the schools of Delhi is being regulated by the aforesaid order. The order has also been communicated and has been made applicable to the recognised schools of Delhi. In these circumstances, this Court had on 19th November, 2007 disposed of LPA No. 196/2004 after observing that a policy decision had been taken by the Government with regard to admission in the schools and the order/notification issued by the Government of NCT of Delhi was taken on record. The entire admission process is now regulated by the aforesaid order and upon issuance of the aforesaid order all the prior orders passed by this Court stand modified to the aforesaid extent. In any case directions issued earlier were specifically for admissions in the year 2007. As is clear from the above, admissions for the present year have to be made on the basis of the order / notification dated 24th November, 2007 and 29th November, 2007.

7. Accordingly, we feel that the subject matter of the appeal has been rendered infructuous. The admission process for the year 2007 has expired. Therefore, the judgment, which was passed keeping in mind the background facts, as they existed, would be considered in that light. As of present, we have a notification / order issued by the Government of NCT of Delhi. If the respondent is aggrieved by the said notification / order, it can take recourse to appropriate remedy as available in law.

8. The appeal accordingly stands disposed of in terms of the aforesaid order.

9. We had passed an interim order on the last date staying the operation of the impugned judgment and order. However, it is pointed out that due to typographical mistake, the same has not been specifically mentioned in the typed order. Be that as it may, as of today, as we have disposed of the appeal itself, the same would have no operation and relevance.

10. Copy of the order be given dusty to the counsel for the parties.