

(2019) 05 DEL CK 0276

In the Delhi High Court

Case No : Civil Writ Petition No. 2384 Of 2019, Civil Miscellaneous Application
No. 11093 Of 2019

Master Aditya Singh

APPELLANT

Vs

St Marks Sr Secondary School & Anr

RESPONDENT

Date of Decision : 21-05-2019

Acts Referred:

Citation : (2019) 05 DEL CK 0276

Hon'ble Judges : C. Hari Shankar, J

Bench : Single Bench

Advocate : Rajeshwari H., Nupur Goswami, Apporva Pandey, G. G. Koshyap,
Hetu Arora Sethi, Siddharth Agarwal

Final Decision : Dismissed

Judgement

1. The petitioner, a minor child, has filed this writ petition, praying for issuance of a mandamus to the St. Marks Sr. Sec. School, Meera Bagh (Respondent No. 1 herein) to grant him admission in Class-I. The case of the petitioner is predicated on the premise that, on a proper application of the points allocated by the school, against various criteria, on the bases of which preferential admissions are determined, he would be entitled to 60 points, 35 points being available as he resides within 1 to 3 kilometres of school and 25 points under the "sibling" criterion. For ready reference, the allocation of points, for admission to the school, as set out in its brochure, may be reproduced thus:

"Parameters

Points

i) Distance

40

Area upto 1 km

40

Area between 1 to 3 km/ areas

where school transport is available

35

Areas between 3 to 5 km

30

Areas between 5 to 8 km

20

Area more than 8 km

10

ii) Sibling studying in the school

25

iii) Girl Child

25

iv) Alumni

10

Maximum 1

100"

2. The respondent does not dispute the entitlement, of the petitioner, to 35 points, by virtue of his residing within 1 to 3 kilometres from the school.

3. The controversy essentially revolves around the entitlement, of the petitioner, to 25 points which are allotted to cases in which the sibling of the aspiring student studies in the school. The petitioner seeks the benefit of this criterion on the ground that his sister, namely Prachi, is a student of St. Marks Girls. Sr. Sec. School. The submission of Ms. Rajeshwari, learned counsel arguing on behalf of the petitioner, is that, as both these schools are run by the same society/ management the two siblings ought to be treated, for the purpose of allocation of points, as "the same school".

4. To press home her argument, Ms. Rajeshwari has relied on various documents.

5. She has first drawn my attention to the publicity printout, of the "St. Mark's Sr. Sec. Public Schools", which covers the St. Marks Sr. Sec. Public School, Meera Bagh, St. Marks Girls Sr. Sec. School, Meera Bagh (being the schools in which the petitioner seeks admission, and, in which his sister is studying, respectively) as well as the St. Mark's Sr. Sec. Public School, Janakpuri. The contention of Ms.

Rajeshwari is that this document indicates that all the three schools, i.e. the St. Marks Sr. Sec. Public School, Meera Bagh, St. Marks Girls Sr. Sec. School, Meera Bagh and St. Marks Sr. Sec. Public School, Janakpuri, are functioning under the same society/management.

6. The second document, to which Ms. Rajeshwari refers, is again a printout of message from the Chairman of the St. Marks Girls Sr. Sec. School, Meera Bagh, as figuring on the website of the said school. The first paragraph of the said message reads thus:

"The school is run by St. Mark's Christian Educational Society. This Society runs St. Mark's Sr. Sec. Public School, Meera Bagh & St. Mark's Girls School, Meera Bagh too. The founder Chairman of the school Mr. T. P. Aggarwal has been working in the field of education since 1975. He has been awarded the Dr. Radhakrishnan Memorial National Teachers Award."

7. Ms. Rajeshwari submits that it is clear, from this message, that the school in which the petitioner's sister is studying, and the school in which the petitioner aspires to obtain admission are run by the same society.

8. Ms. Rajeshwari next references to the well-known Anil Dev Singh, which determines the issue of fees which could be charged by public and private unaided schools.

9. Ms. Rajeshwari seeks to place reliance on the following passage, from the report:

" It is significant that the only two directors of the Pvt. Ltd. company in question are Sh. T.P. Aggarwal who is the Chairman of all the three St. Mark's Schools and who is also the Chairman of the Parent Society which runs these schools, and his wife."

10. I may note, even at this juncture, that the reliance, on this report, appears to be misguided as the three schools to which reference is made in the above extracted passage from the report are the St. Marks Sr. Sec. School, Meera Bagh, St. Mark's Sr. Sec. Public School, Janakpuri and Magic Beanstalk Institutions Pvt. Ltd. and the pre-primary school established by St. Mark Educational Institution Pvt. Ltd.

11. Ms. Rajeshwari next references me to certain frequently asked questions, and the responses thereto, as contained in the website of the Directorate of Education, ACT-1 branch, particularly to Q No. 9 therein and the response thereof, which may be reproduced thus:

"Q. 9. Can there be separate admission process for main school and its branch school?

All Montessori/Pre-Schools/Pre-primary Branch being run by registered societies/trusts in Delhi as branches of recognized unaided schools in or outside the school premises shall be deemed as one institution for all purposes including admission

process vide Order No: 15702-15871 dated 23/03/1999."

12. Again, the reliance, on the above-extracted question and answer, does not appear to be very apposite, as they dealt with the situation in which montessori/pre-schools/pre-primary schools area run by the registered society/trusts as branches of recognised unaided schools. In such cases, the Directorate of Education has clarified that the school would be treated as one institution.

13. The present writ petition does not concern itself with any montessori/pre-schools/pre-primary school being run as a branch of any other school.

14. In any event, it is not necessary for this Court to examine the various documents, on which Ms. Rajeshwari has sought to place reliance, for the simple reason that the "sibling" criterion, in the distribution of points as devised by the school applies only where the two siblings are studying in the same school.

15. A school is a structure built by brick and mortar, in which education is dispensed, and the contention, of Ms. Rajeshwari, that the St. Marks' Sr. Sec public School and the St. Marks' Girl Sr. Sec School are two schools, being run by the same management, defeats the entire case of the petitioner, as it is manifest from the said submission, that the petitioner and his sister are not studying the same school.

16. 25 points are available under the sibling criterion only if the sibling is "studying in the school". The words "the school" in the said criterion obviously applies to the school in which the other sibling is seeking admission.

17. It is not possible for this Court to artificially expand the criterion to cover siblings studying in two schools, even if they are managed by the same society or the same management.

18. In view thereof, no relief can be granted to the petitioner in this writ petition.

Accordingly, the writ petition is dismissed. No costs.