

(2025) 03 SHI CK 1171
In the High Court Of Himachal Pradesh
Case No : CWP No. 3337 Of 2025

Vanit Dhiman (Minor Aged About 6 Years 4 Months) Through His Natural Guardian/Father Sh. Ravinder Singh APPELLANT

Vs

State Of Himachal Pradesh and others RESPONDENT

Date of Decision : 11-03-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 483
Indian Penal Code, 1860 — Section 286, 379, 511
Explosive Substances Act, 1908 — Section 3
Indian Forest Act, 1927 — Section 32, 33
Mines & Minerals (Development and Regulation) Act, 1957 — Section 21

Citation : (2025) 03 SHI CK 1171

Hon'ble Judges : Virender Singh, J

Bench : Single Bench

Advocate : Yashveer Singh Rathore, H.S. Rawat, Mohinder Zharaick, Ranjana Patial

Final Decision : Allowed

Judgement

Ajay Mohan Goel, J

1. Notice confined to respondents no.1 to 3 only. Mr. Pushpinder Jaswal, learned Additional Advocate General, accepts notice on behalf of the said respondents.

2. By way of this writ petition, the petitioner has, inter alia, prayed for the following reliefs:-

“(i) That the action of the respondent No.4 denied admission to Class-1st for academic session 2024-25 to the petitioner is liable to be quashed and set aside;

(ii) That the respondents may kindly be directed to extend the 2024 benefit of judgement dated 16.10.2024 (Annexure P-2) passed by this Hon'ble Court in CWPIIL 35/2024 & connected matters to the petitioner. Consequently, the petitioner may be allowed admission to Class-1st for academic session 2024-25

and further admission to Class-II for session 2025-26, with all consequential benefits.”

3. Having heard learned counsel for the petitioner, this Court is of the considered view that the petition is completely misconceived and the petitioner is not entitled for any relief, as prayed for.

4. The case of the petitioner, who is a minor, is that he has been wrongly denied admission in the 1st Class for the Academic Session 2024-25 on the ground that the petitioner was less than six years of age as on 30.09.2024.

5. Learned counsel for the petitioner submits that the denial of the admission to the petitioner in Class-1 for the Academic Session 2024-25 i.e. the Academic Session, which commenced in the month of March, 2024 and is already over, is bad because denial of the admission does violence to the judgment of the Hon’ble Division Bench of this Court passed in CWPIIL No. 35 of 2024, titled Monika Sharma Vs. Union of India & Ors., along-with connected matters.

6. Having heard learned counsel for the petitioner as well as having perused the judgment of the Hon’ble Division Bench of this Court, all that this Court can observe is that this writ petition is completely misconceived.

7. The students whose cause was being espoused in CWPIIL No. 35 of 2024, titled Monika Sharma Vs. Union of India & Ors., along-with connected matters, were those students who would be less than six years even as on 30.09.2024 but had already completed their pre-school curriculum and were being denied admission to Class-1. To be more specific, this Court is quoting paragraph No.3 of the judgment of the Hon’ble Division Bench, which reads as under:-

“3. Petitioners are espousing the cause of those students, who would be aged less than 6 years even as on 30.09.2024 but have already completed their pre-school curriculum and are being denied admission to Class 1.”

8. In the light of the reasoning that has been assigned by the Hon’ble Division Bench, the following direction was passed by the Hon’ble Division Bench:-

“28. We, thus, allow the prayers made in the petitions to the extent that the 2nd and 3rd respondents shall be under mandate to implement the NEP-2020 in a phased manner as suggested vide communication dated 31.3.2021 issued by the Union of India and further those students who are under the age of 6 years and have already completed pre-school educational curriculum will not be denied admission to Class-1 st for academic session 2024-25.”

9. Unfortunately, in the present case, what has happened is that the petitioner was admitted in Class Nursery for the Session 2022-23, in Child Care Public School, Nainidhar, District Sirmour, H.P.. Thereafter, the petitioner did his LKG/ UKG in the Academic Session 2023-24 and again UKG in 2024-25. Now, in terms of Annexure P-2, which is a Certificate issue by In-charge of Child Care Public School, Nainidhar, District Sirmour, the petitioner has been admitted in Class-1

for the Session 2025-26.

10. Learned counsel for the petitioner prayed that this Court should first hold that denial of admission to the petitioner in Class-1 for the Session 2024-25 was bad and thereafter a mandamus be issued to Child Care Public School, Nainidhar, District Sirmour, to admit the petitioner in 2nd Class for the Academic Session 2024-25.

11. As already observed hereinabove, this writ petition is completely misconceived. First of all, there is no material on record from which it can be inferred that the petitioner in the year 2024-25 applied for admission to Class-1, which was denied by the school concerned and further in the backdrop of the petitioner not having done/studied in Class-1, by no stretch of imagination, this Court can issue a mandamus that now from Class UKG, without doing Class-1, the petitioner straight away be admitted in 2nd Class.

12. Therefore, as this Court does not find any merit in the writ petition, the same is dismissed. Pending miscellaneous application(s), if any, also stand disposed of accordingly.