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

+ W.P.(C) 9928/2023

MASTER RAUNAK

..... Petitioner

Through: Mr. Vivek Kumar Tandon, Ms. Prerna Tandon and Mr. Darshnik Narang, Advocates.

versus

VSPK INTERNATIONAL SCHOOL AND ANR. Respondents

Through: Mr. Deepank Yadav, Advocate for R-1.
Mr. Utkarsh Singh, Advocate with Ms. Nikita Vir, Advocate for Mr. Santosh Kumar Tripathi, Standing Counsel (Civil) for DoE.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

06.12.2023

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Pursuant to last order dated 04.10.2023, short affidavit dated 04.12.2023 has been filed on behalf of respondent No.2/Directorate of Education ('DoE'); though no counter-affidavit is forthcoming on behalf of respondent No.1/ VSPK International School, Sector-13, Rohini, New Delhi ('school').

2. Mr. Deepank Yadav, learned counsel appearing on behalf of respondent No.1 school submits, that the school was never served with notice in the matter; and that he has appeared only upon noticing the name of the school in the cause list. Counsel submits that he has



not received a copy of the writ petition. The record shows that process fee for service of respondent No.1 school was not filed. Let a copy of the petition be supplied to learned counsel appearing for respondent No.1 within 03 days.

3. Mr. Yadav seeks time to file counter-affidavit on behalf of respondent No.1.
4. Let counter-affidavit be filed within 06 weeks; rejoinder thereto, if any, be filed within 04 weeks; with copies to the opposing counsel.
5. Mr. Yadav says, that he has instructions to submit, that though a seat has been reserved for the petitioner in compliance of order dated 28.07.2023, however it has not been possible for the school to grant admission to the petitioner since the school has already exceeded the 25% threshold of admissions required to be granted under the EWS/DG Category under the Right of Children to Free and Compulsory Education Act, 2009.
6. On the other hand, Mr. Utkarsh Singh, learned counsel appearing on behalf of Mr. Santosh Kr. Tripathi, learned Standing Counsel (Civil) for respondent No.2/DoE argues, that the submission that the school has already fulfilled the requirement of granting 25% admissions in the EWS/DG Category is incorrect. He submits that as per the data available on the DoE portal, and in view of what has transpired between the school and the DoE previously, the school had requested for reduction of its declared/approved strength in Class : Nursery/Pre-School from 200 (150 in General Category + 50 in EWS/DG Category) to 100 (75 in General Category + 25 in EWS/DG Category). However, based on the DoE's internal guidelines, and



based on the highest admissions received by the school in the General Category in the last 05 years, the decrease in strength was permitted from 200 (150 in General Category + 50 in EWS/DG Category) to 154 (**118** in General Category + **36** EWS/DG in Category), since the school had admitted 118 students in the General Category in Academic Session 2018-19.

7. To support this submission, Mr. Singh has handed-up a copy of e-mail dated 07.02.2023, enclosing therewith the DoE's decision regarding reduction of seats, as communicated to the school. The same is taken on record.
8. Upon being queried, Mr. Yadav confirms that as of date, the school has admitted **21** students under the EWS/DG Category, which according to the school is above the 25% threshold when considered in the context of the number of admissions *actually made* in the General Category, which is stated to be **42**. Based on this premise, counsel submits that the school has already admitted 50% EWS/DG Category students *vis-a-vis* the admissions granted in the General Category. Mr. Yadav further submits, that in fact, a writ petition filed by the school, challenging the decision of the DoE to reduce the seats from 200 only to 154 and not to 100, as was requested by the school, is pending consideration before this court. Mr. Yadav however confirms that no interim relief has been granted to the school in that petition, so far.
9. Upon a conspectus of the foregoing circumstances, what prevails with the court is that, *as of now*, the **declared/approved strength** of the school in Class : Nursery/Pre-school for the Academic Session 2023-



2024 is **154** seats, with **118** seats in the General Category and **36** in the EWS/DG Category; and admittedly, the school has only admitted **21** students under the EWS/DG Category.

10. In the circumstances, also considering the fact that the Academic Session 2023-2024 will soon be coming to a close, and as per observations made by a Division Bench of this court in order dated 14.08.2023 in W.P. (C) No. 3684/2013 titled *Justice for all vs. Govt. of NCT of Delhi*, the last date for admissions for EWS candidates for any given year should be the 31st December of that year, the school is directed to grant to the petitioner - Master Raunak - provisional admission in Class : Nursery/Pre-School for the Academic Session 2023-2024 *forthwith*.
11. Re-notify on 26th February 2024.

ANUP JAIRAM BHAMBHANI, J

DECEMBER 6, 2023/ak