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

+ W.P.(C) 2096/2022 & CM APPL. 28430/2022

JUSTICE FOR ALL

..... Petitioner

Through: Mr. Khagesh B Jha, Ms. Aditi,  
Advocates

versus

HONBLE LG OF DELHI AND ORS

..... Respondents

Through: Mr. Santosh Kumar Tripathi,  
Standing Counsel (Civil), GNCTD  
with Mr. Arun Panwar, Mr. Mahak  
Rankwat, Advocates  
Ms. Neha Jain, Standing Counsel for  
R-3

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

**ORDER**

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**17.11.2022**

1. The Petitioner before this Court has filed the present writ petition under Article 226 of the Constitution of India as a Public Interest Litigation (PIL) praying for the following reliefs:-

*“a. to pass an appropriate writ order or direction to direct the respondent Delhi Government to ensure the admission of over 44,000 children belonging to weaker section and disadvantage group under the provisions of section 12(1)(c) of RTE Act, 2009 either by processing the applications they are already pending with them or by exercise of the jurisdiction conferred to the chairperson District admission monitoring committee under the provisions of clause 7 of Gazette notification extraordinary dated 07.01.2011.*

*b. to pass an appropriate writ, order or direction to direct the respondent Director of Education to initiate action against schools failed to admit the students allotted seats in their schools without even applying for any exemption under the provisions of circular dated 09.07.2021 read with interim orders dated 24.09.2021 and 17.12.2021 and apply the provisions of Rule 15 of Delhi RTE Rules 2011 and restrain them from the eyewash by issuance of show causes under the DSER never adjudicated during last 11 years since 1st of April 2010 for admission of any child and only being used to eyewash of the violations in the name of unlimited principle of repeated natural Justice issued only to mislead the Hon'ble court and authorities.*

*c. to pass an appropriate writ order or direction to direct the respondent Delhi Government to process the application pending with them as directed to them by the interim order dated 24.09.2011 and 17.12.2021 passed by this Hon'ble Court in W.P.(c) No. 10839 of 2021 and ensure the admission of selected candidate in the case application for the exemption has been declined and in the case of refusal by school immediately exercise the power vested with the GNCT of Delhi under rule 15 of Delhi RTE Rules 2011 and adjudicate the same in the manner prescribed under such rule.*

*d. to pass an appropriate writ order or direction to direct the Hon'ble Lt. Governor GNCT of Delhi to frame the mechanism for the quasi-judicial proceedings in the cases the grievance of the violation of provisions of act is raised against the Director of Education and the officers senior to the DDE the notified adjudicating authorities to adjudicate the grievances under section 32 of the RTE Act, 2009 specially when the director is exercising the duty of recognized unaided private schools imposed to them*

*under section 12(1)(c) of RTE Act, 2009.*

*e. to pass an appropriate writ, order writ or direction to direct the respondents Delhi Commission of protection of Child Right and National commission for protection of Child Right to perform their duty under section 31 and 32 of RTE Act, 2009 and monitor the process of admission of children belonging to weaker section and disadvantage group and ensure the admission against each and every seat the EWS/DG children are entitled for the admission.*

*f. to pass an order to monitor the admission process of children belonging to weaker section and disadvantage group to protect their fundamental right being violated by the respondents.”*

2. Learned Counsel for the Petitioner has stated that the Petitioner is a registered society under the Societies Registration Act, 1860. It is stated that at present in Delhi, about 50,000 children are awaiting for admissions under the quota meant for weaker sections of the society under the Right of Children to Free and Compulsory Education Act, 2009. It has been stated that the Schools are not filling up the quota prescribed which is, at least 25% of the total number of seats and the Respondent/GNCTD is not at all ensuring compliance of the statutory provisions governing the field, i.e. Section 12(1)(c) of RTE Act, 2009.

3. A detailed and exhaustive reply has been filed by the Directorate of Education and it has been stated on oath that the Directorate of Education is strictly adhering to the provisions of the Delhi School Education Act, 1973 read with Delhi Right of Children to Free and Compulsory Education Rules, 2011, as well as the Notification issued by the Officer of Lieutenant

Governor, GNCTD, dated 07.01.2011 which has been annexed with the writ petition as Annexure P-2.

4. Mr. Santosh Kumar Tripathi, learned Standing Counsel for Respondent/GNCTD, who is present in Court has categorically stated that the Respondent/GNCTD shall ensure that the statutory provisions contained under the Delhi School Education Act, 1973 and Delhi Right of Children to Free and Compulsory Education Rules, 2011 thereunder shall be complied with.

5. It has also been brought to the notice of this Court on affidavit by the Respondent/GNCTD that they are evolving a transparent, uniform and hassle free admission process under the EWS/DG Category in Private Unaided Recognized Schools in Delhi. It has also been stated that a portal has been developed where the number of vacancies are displayed and the parents can certainly apply online for the vacancies available under the admission quota.

6. In light of the detailed affidavit, no further orders are required to be passed in the present writ petition. However, the Respondent/GNCTD is directed to ensure that the statutory provisions and the rules thereunder are strictly complied with.

7. With the aforesaid, the petition stands disposed of.

**SATISH CHANDRA SHARMA, CJ**

**SUBRAMONIUM PRASAD, J**

**NOVEMBER 17, 2022**

Hsk/ss