



\$~115

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010377432026
+ **W.P.(C) 11741/2026**
MS. AKHTA KHAN THROUGH HER MOTHER ANJUM KHAN
.....Petitioner
Through: Mr. Shivom Sethi and Ms. Sneha
Bhargava, Advs.
versus
DIRECTORATE OF EDUCATION & ANR.Respondents
Through: Ms Chandrika Sachdeva, Adv.

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **14.08.2026**

CM APPL. 54309/2026

Exemption allowed, subject to all just exceptions.

The application is disposed of.

W.P.(C) 11741/2026

1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following prayers:-

“a. Direct the Respondent No.1/Directorate of Education to ensure continuation of the Petitioner’s elementary education in Respondent No.2/Delhi Public School, Mathura Road, in accordance with the Delhi School Education Act and Rules and the Right of Children to Free and Compulsory Education Act, 2009;

b. Issue a consequential direction to Respondent No.2 to forthwith permit the Petitioner to resume and continue Class VIII, attend regular classes, participate in



examinations and all academic activities, and continue her name on the school rolls;

c. Restrain Respondent No.2 from striking off the Petitioner's name from the school rolls, giving effect to any Transfer Certificate prepared or issued without the consent of the Petitioner's mother, compelling withdrawal of the Petitioner, or otherwise discontinuing or excluding her from the School;

d. Direct Respondent No.2 to ensure that the period during which the Petitioner was prevented from attending School pursuant to the directions of the School authorities is not treated as voluntary absence and is not counted adversely against her for attendance, academic progression or any other purpose;

e. Direct Respondent No.2 to sit for the internal periodic exams which the Petitioner missed due to her absence, and direct that no differential, discriminatory or prejudicial treatment whatsoever is meted out to the Petitioner on account of the present incident or the filing of the present petition, and that the Petitioner is treated at par with other students in all matters concerning attendance, classroom participation, examinations, assessment, promotion, discipline and access to school facilities. ...”

2. For the reasons stated in the petition, issue notice.
3. Ms. Sachdeva, learned counsel accepts notice on behalf of the respondent No. 1, seeks and is granted time to file a reply/obtain



instructions.

4. List on 14.10.2026.

5. Mr. Sethi, learned counsel for the petitioner, presses for interim directions. Accordingly, the application is taken up for hearing.

CM APPL. 54310/2026

6. This is an application filed under Section 151 of the CPC, 1908 on behalf of the petitioner seeking interim directions.

7. For the reasons stated in the application, issue notice.

8. Ms. Sachdeva, learned counsel accepts notice on behalf of the respondent No. 1, seeks and is granted time to file a reply/obtain instructions.

9. The respondent No. 2 has been duly served through email but despite service there is nobody appearing on behalf of the respondent No. 2.

10. In the present case, the petitioner is a student of Class-VIII aged about thirteen and a half years, falling under the Economically Weaker Section (“EWS”) category and studying in the respondent No. 2 School since 2016.

11. It is stated that on 06.07.2026, the petitioner did not attend school and also missed her examination scheduled on that day because of persuasion by two older students of Class-XI of her School.

12. Pursuant thereto, on 07.07.2026, the petitioner and her mother were called to the School and the mother of the petitioner was asked to collect Transfer Certificate of the petitioner. On repeated requests of the petitioner’s mother, she was orally informed by the School authorities that the petitioner cannot attend the School for one month and thereafter the case of the petitioner would be considered.

13. It is stated by Mr. Sethi, learned counsel, that the petitioner has been,



in fact, rusticated from her School and the said action of the respondent No. 2 is in clear violation of Rule Nos. 35 and 37 of the Delhi School Education Rules, 1973 (**“DSER Rules”**).

14. In this view of the matter, the petitioner is an EWS student and is entitled to study in the respondent No. 2 school under the mandate of the Right of Children to Free and Compulsory Education Act, 2009.

15. From a conspectus of the Rule No. 37(1)(b) of the DSER Rules, it is clear that a child who has not attained the age of 14 years cannot be rusticated. In the present case, the petitioner has only attained the age of thirteen and a half years. Thus, the action of the respondent No. 2 is in contravention with the express stipulation provided under the DSER Rules. The relevant Rule No. 37 (1)(b) of the DSER Rules read as under:

“37. Forms of disciplinary measures— (1) The following shall be the disciplinary measures which may be adopted by a school in dealing with :—

(a) all students—

(i) detention during the break, for neglect of class work, but no detention shall be made after the school hours,

(ii) corporal punishment,

(b) students who have attained the age of fourteen years—

(i) fine,

(ii) expulsion,

(iii) rustication,

...”

16. The said contention of the petitioner is also agreeable to the learned



counsel for the respondent No. 1.

17. For the said reasons, I am of the view that the petitioner has made out a *prima facie* case in its favour. If the petitioner is not allowed to continue with her education in the respondent No. 2, the said action will result in violation of valuable right of the petitioner and the *prima facie* unsubstantiated/illegal action of the respondent No. 2 would be validated at the cost of the education of a child. Thus, balance of convenience also lies in favour of the petitioner.

18. In case the petitioner is not permitted to continue with her education in the respondent No. 2 school, the petitioner will suffer irreparable loss and injury which cannot be compensated in terms of money.

19. For the said reasons, it is directed that till the next date of hearing, the petitioner shall be permitted to continue with her education in Class-VIII at the respondent No. 2 school.

20. Keeping in view the best interest of the child, the respondent No. 1 is directed ensure compliance of this Order.

21. List on 14.10.2026.

22. *Dasti.*

JASMEET SINGH, J

AUGUST 14, 2026/AS