

2022 LiveLaw (Del) 325

IN THE HIGH COURT OF DELHI AT NEW DELHI
VIPIN SANGHI, ACJ; NAVIN CHAWLA, J.
LPA 269/2022; APRIL 13, 2022

AARIN THROUGH HER NEXT FRIEND AND NATURAL FATHER SH PAWAN KUMAR
versus
KENDRIYA VIDYALAYA SANGATHAN & ORS.

Summary: The Court has refused to interfere with minimum age criteria of 6 years for admission in class 1 in Kendriya Vidyalayas for the academic year 2022-23. The National Education Policy 2020, which prescribed the minimum age of six years for admission to Class 1, was not under challenge by the petitioner. Mere non-compliance of a direction issued by the Central Government for implementation of NEP 2020 by other schools, cannot be a reason to restrain Kendriya Vidyalaya Sangathan from doing so.

Appellant Through: Mr. Kumar Utkarsh with Mr. Manoj Kumar, Advs.

Respondent Through: Mr. Chetan Sharma, Additional Solicitor General with Mr. Apoorv Kurup, CGSC, Mr. Jitendra Kumar Tripathi, GP with Mr. S. Rajappa, Mr. Amit Gupta, Mr. Rishav Dubey, Mr. Sahaj Garg, Ms. Nidhi Mittal, Mr. Ojaswa Pathak, Advs for R-1, R-2. Mr. Rishikesh Kumar, Additional Standing Counsel with Ms. Sheenu Priya, Advocate

ORDER

CM APPL. 18443/2022

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

LPA 269/2022

The present Letters Patent Appeal is directed against the judgment dated 11.04.2022 passed by the learned Single Judge in a batch of Writ Petitions, including W.P.(C) No. 3667/2022, titled ***Aarin Through Her Next Friend and Natural Father Sh. Pawan Kumar v. Kendriya Vidyalaya Sangathan & Ors.*** By the impugned judgment, the learned Single Judge has dismissed the said writ petition preferred by the appellant.

The appellant was aggrieved by the decision of the Kendriya Vidyalaya Sangathan to implement the National Education Policy (NEP), 2020, which prescribes the minimum age for admission to Class 1 as six years. The grievance of the appellant was that prior to such prescription, the minimum age for admission to Class 1 was prescribed as five years. The increase of age from five to six years meant that the appellant, who was not six years as on 31.03.2022, could not secure admission in a KVS School.

The learned Single Judge has noted that the NEP 2020, which prescribed the minimum age of six years for admission to Class 1, was not under challenge by the petitioner. The learned Single Judge also notes that the Central Government has directed all schools to implement the said Policy.

The submission of the appellant was, and even before us is, that the said

implementation has been done in a sudden manner to the prejudice of the appellant. We find no merit in this submission. There is nothing sudden about the implementation of the said policy since there would always be a fixed date when the policy would be implemented. In any event, the implementation of the Policy would not cause any prejudice to the appellant since the appellant has not been denied the chance to secure admission in Class 1. The only difference is that she will be entitled to admission next year and not this year. If the appellant is desirous of seeking admission in Class 1 this year, it is open to the appellant to seek admission in other schools which have not implemented the NEP 2020 till date.

The submission of learned counsel for the appellant is that the other schools have not yet implemented the said Policy and, therefore, Kendriya Vidyalaya Sangathan should also not do so. This submission cannot be accepted for the reason that mere non-compliance of a direction issued by the Central Government for implementation of NEP 2020 by other schools, cannot be a reason to restrain Kendriya Vidyalaya Sangathan from doing so. If at all, the appellant should have raised a grievance that other schools have not implemented the said Policy despite the direction of the Central Government.

Having perused the impugned judgment, which is detailed and considered, and takes into account several other judgments, we find no reason to interfere with the same.

Dismissed.

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