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

+ LPA 5/2022 & CM APPLs. 474-477/2022, 481/2022

JUSTICE FOR ALL AND ANR

..... Appellants

Through: Mr. Khagesh B. Jha with Ms. Shikha
Sharma Bagga (appellant in person).

versus

VENKATESHWAR GLOBAL SCHOOL AND ORS..... Respondents

Through: Mr. Santosh Kumar Tripathi, SC
(Civil), GNCTD with Mr. Arun
Panwar, Mr. Siddharth Krishna
Dwivedi, Mr. Pradyumn Rao, Mr.
H.F. Sachdeva and Ms. Savita Sethi,
Advs. for DOE.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

26.05.2022

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The hearing has been conducted through hybrid mode (physical and virtual hearing).

1. The learned Standing Counsel for GNCTD states that 132 private schools are *prima facie* found to be violating the government's direction apropos admission of students in the EWS category and notices in this regard have been issued to them. It is the government's stand that seats in the EWS category are to be filled up to the fullest at the "entry level" but some of the schools have not been admitting EWS students for the last decade or so.

2. Under the EWS category: (i) the private schools on private land have to admit 25% students in the EWS category for which the repayment of fees, etc. is done on the basis of expenses incurred for a student of a government school; (ii) private schools on government land too have to admit 25% EWS category students at the entry level. However, reimbursement by the GNCTD is to be done for only 5% students of this category expenses of education of the remaining 20% EWS candidates is the obligation of the private schools themselves because of the condition for allotment of government land.
3. In instances where schools have not complied with the strict requirements of admission of EWS category students, the State has to step-in to the aid of the latter and exercise its duty as a Welfare State. No beneficiary of government land can overlook or avoid its obligation under the allotment.
4. In the circumstances, every endeavour shall be made by the State to ensure that the backlog of unfilled seats in private schools, both on private and government lands, is filled-up in the next five years in a phased manner; i.e., 20% of the vacancies each year, in addition to the mandated annual 25% intake.
5. The State shall ensure that the 25% seats in the EWS category students shall be filled up on the basis of declared sanctioned strength at the entry level (Pre-school/Nursery/ Pre-primary/KG and Class-I), irrespective of the actual number of students admitted in the General category.
6. Compliance affidavit be filed before the next date.

7. List for further proceedings on 04.08.2022.

NAJMI WAZIRI, J

VIKAS MAHAJAN, J

MAY 26, 2022/dss/MK