

**IN THE HIGH COURT OF DELHI AT NEW DELHI  
ORIGINAL WRIT JURISDICTION**

**WRIT PETITION (CIVIL) NO. OF 2021**

**IN THE MATTER OF:**

RAJAT VATS

S/o Shri Mukesh dutt Vats

House No. 9777, Ahata Thakur Dass, New

Rohtak Road, New Delhi 110005 .

. . . . Petitioner

**VERSUS**

(1) Government of NCT of Delhi

Represented by

Vijay Kumar Dev Ji

Chief Secretary

Delhi Secretariat, Near, Sachivalaya Rd,

IG Indoor Stadium, ITO, Vikram Nagar,

New Delhi, Delhi 110002.

(2) Director of Education

Government of NCT of Delhi

Room No.12 Old Secretariat,

near Vidhan Sabha Metro Station, Civil Lines,

New Delhi, Delhi 110054.

. . . . Respondents

**MEMORANDUM OF WRIT PETITION ON ISSUANCE OF WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR DIRECTING RESPONDENTS TO MAKE SOME GUIDELINES OR PASS SOME RESOLUTION FOR POSTPONMENT OF NURSERY ADMISSION FOR 2021-2022 SESSION FOR THE PROTECTION OF CHILDREN IN THE AGE GROUP OF (3-4 YEARS), AS ACTION OF RESPONDENT IS VIOLATIVE OF ARTICLE 14, 21 AND OTHER FUNDAMENTAL RIGHTS RESERVED UNDER CONSTITUTION OF INDIA FOR PARENTS AND CHILDREN'S.**

**MOST RESPECTFULLY SHOWETH:**

“No sign of any morning walkers. No human beings are seen. Only buildings and trees are seen. The Covid 19 virus is also not seen anywhere. An invisible enemy.. We can never know where the enemy of mankind is hiding itself.”

...by Haresh Raichura(Adv)

1. The Petitioner is filing the present Writ Petition on issuance of Writ of Mandamus or any other appropriate Writ under Article 226 of the Constitution for directing Respondents to make some guidelines or pass some resolution for postponement nursery admission for 2021-2022 session for the protection of

children in the age group of (3-4 years) as action of respondent is violative of Article 14, 21 and other Fundamental Rights reserved under Constitution of India for parents and children's.

2. That Petitioner, though an individual namely Rajat Vats S/o Shri Mukesh Dutt Vats R/o House No. 9777, Ahata Thakur Dass, New Rohtak Road, Sarai Rohilla, New Delhi 110005, and an Lawyer by profession and practicing in Hon'ble Supreme Court of India, High Court of Delhi also registered with Bar council of Delhi as well as is engaged in several education activities related with children's, also on weekends petitioner used to give free tuitions to neighbor children's about English and legal education, and has also filed *Writ petition Civil 2977 of 2020 (Rajat Vats versus Government of NCT of Delhi & Anr.) before Hon'ble High court of Delhi* where directions were issued to protect school going children's.
3. Recently Petitioner came across with the issue regarding nursery admission to 2021-2022 session, point of issue as discussed with parents was how the objectives laid down in the syllabus of NCERT will be satisfied through online classes and if the schools started physical classes how these children will take care of preventive measures, to protect these small 3 to 4 years children from deadly virus, and using my knowledge of law for public good during this pandemic situation, petitioner has filed representation on dated 29.12.2020 discussing the same issue urged to make some guidelines or pass some

resolution in writing and has no personal interest in filing the same, no other similar petition has been filed or pending before this Hon'ble court or any other court as per best to the knowledge of petitioner.

The brief facts leading of the present Writ petition are as under:

1. *That present Writ Petition is regarding imminent threat to the possible violation of Fundamental Rights of children in the age group of 3 to 4 years by Director of Education of Government of NCT of Delhi in the following circumstances:*
  - (i) *by not scrapping down the 2021-2022 admission for Nursery classes or by not releasing any guidelines/resolution in writing till date.*
  - (ii) *By not answerable on how the objectives laid down in the Nursery syllabus of NCERT will be satisfied if admission started.*
  - (iii) *By not answerable how online classes will satisfy the main objectives i.e. To lay the foundation for a healthy, productive, and satisfying life in the future by enabling the children to develop her/his maximum potential through,*
    - a) *Physical well-being, health, and motor development*
    - b) *Personal, social and emotional development*
    - c) *Creative and aesthetic development*

- d) To prepare child for smooth transitions from home to schools and from preschool to primary school.*
  - e) To make child familiar to school environment so that he can easily adapt primary school learning.*
  - f) Nursery, across schools, is meant for children to learn to interact with the outside world independently, and learn basics.*
2. *That though the present Government is taking best steps to ease the study environment and also making the standards of education high in the State of NCT of Delhi, I feel proud in admitting the fact that bold steps adopted by Deputy Chief Minister of Delhi i.e. Shri Manish Sisodia and Directorate of Education are appreciable but it is also unfortunate to file this Writ Petition as no circular has been passed till date regarding Scrappingdown or postponement of Nursery admission for the session of 2021-2022.*
3. That severe acute outbreak of Coronavirus also known as COVID 19 has lead to pandemic and threatening situation for the entire humanity across the world, resulted in taking away life of lakhs of people and is creating hardship to millions of people across the globe.
4. That almost every country is facing the trauma of this pandemic and are adopting various measures to fight against the same, measures like lockdown, supply of essential commodities, curfews, medical facilities etc.

5. That in India also this virus caused many lives at risk, due to which Lockdown was also announced in the nation.
6. That recently Government of NCT of Delhi has announced that all the schools in the state will remain closed till the vaccine is not available.
7. That there are approximately thousands of private schools in Delhi but no conclusion was made by the Government till date regarding Pre-Primary School guidelines for postponement of admission in nursery classes.
8. That in the Nation there was complete lockdown and during this pandemic/ disaster government should take some measures to give relaxation to the parents so that their kid's/children future won't get affected.
9. It is humbly submitted that Directorate of Education has not passed any resolution till date to combat this issue.
10. It is humbly submitted that as per best to the knowledge of the petitioner it was conspired from some sources that Government of NCT of Delhi is planning to scrap down the admission for the upcoming session i.e. 2021-2022 for nursery classes but no written resolution has been passed regarding the same till date, having kids as young as 3 attend online classes is an arduous task.
11. It is further submitted that at present, the students who took admission in nursery in 2020 have been attending classes online and have no interaction with school staff or classmates and were also unable to get familiar with the school environment.

12. It is humbly submitted that it is settled law by Hon'ble Supreme Court of India that in exception cases where there is imminent apprehension regarding violation of Fundamental Rights, A citizen can approach the Hon'ble court for preventive directions.
13. That the present writ petition is filed with welfare intentions, petitioner has no malafide intention or has not filed the present petition for any personal gains or unreasonable interest and no similar petition is filed till date before this Hon'ble court or any other court as per best to the knowledge of petitioner, Adhar UID no. of petitioner is 207845806045 and PAN No. is ALPJV8485G.

#### **GROUND**

- (i) Because it is settled law by Hon'ble Supreme court that in exception cases where there is imminent apprehension regarding violation of Fundamental Rights, A citizen can approach the Hon'ble court for preventive directions.
- (ii) Because in this case certain suitable preventive directions by way of Writ of Mandamus are required to be issued to protect Fundamental Rights of children in the age group of (3 to 4 years) regarding the Nursery class admission which Government of NCT of Delhi is likely to grant permission for physical or online courses just to give financial benefits to schools management without considering interest of children's.

- (iii) Because due to COVID 19 & lockdown many private business trashed and complete travel industry will be on stake for next some year, businessmen.
- (iv) Because during this lockdown government is silent on on how the objectives laid down in the Nursery syllabus of NCERT will be satisfied if admission started.
- (v) By not answerable how online classes will satisfy the main objectives i.e. To lay the foundation for a healthy, productive, and satisfying life in the future by enabling the children to develop her/his maximum potential through,
- a) Physical well-being, health, and motor development
  - b) Personal, social and emotional development
  - c) Creative and aesthetic development
  - d) To prepare child for smooth transitions from home to schools and from preschool to primary school.
  - e) To make child familiar to school environment so that he can easily adapt primary school learning.
  - f) Nursery, across schools, is meant for children to learn to interact with the outside world independently, and learn basics.
- (vi) Because maximum private schools in the Nation is running through some society or trust they use to avail various facilities from the Government, so during this pandemic it is also the responsibility of those trust and



societies to give some relaxation to the students during lockdown.

- (vii) Because Directorate of Education has not passed any resolution till date to combat this issue.
- (viii) Because as per sources and newspapers it was conspired that Government of NCT of Delhi is planning to scrap down or postpone Nursery admission for 2021-2022 session but no written guidelines has been passed, all further proceedings carried out in pursuance thereof is prayed for.
- (ix) Because Even school authorities also approached the government for not postponing the Nursery admission as teaching & non teaching staff is also dependent on them but they forgot to mention that as per provision of Rule 14.2 of CBSE affiliation, Schools has to maintain reserve funds in the name of Principal of the school and Managing Trustee/Member of the society at the time of getting affiliation by CBSE and these Funds is to be used in the time of Emergency and for staff every Private school is running through some trust or society and in the name of education they gets heavy rebates from the government and in this miserable situation it is also the responsibility of those trust and societies to give some relaxation.

- (x) It is humbly submitted that few schools have started issuing nursery admission form due to which a panic was created in the parents of Delhi, still the situation of dilemma is created between the parents whether they should fill the application form for the admission or should wait for the Directorate circular.
- (xi) Because suppose if admissions is given on the basis of online classes to these (3 to 4 Years) age group children's then the following issues will have negative impact on developments of child, will suffer and mental growth of the child will be on stake:

**(a) Drastic Brain Development**

During the toddler years, the brain triples in size and continues to develop until adult years. Studies have shown that too much gadgets may negatively affect a child's brain on its functioning, and may even cause attention deficit, cognitive delays, impaired learning, increased impulsivity, and decreased ability to self-regulation.

**(b) Obesity**

Children who rely their playing time in front of screens rather than outside in the playgrounds do not burn the calories they take in. One in three U.S. children is obese, which may lead to complications such as diabetes, heart attack, and stroke.

**(c) Violence**

Most parents have noticed that their kids learn to be aggressive due to long hours of playing games in their tablets. Tantrums are the most common form of aggressiveness among toddlers.

**(d) Radiation Exposure**

According to the 2011 report of the World Health Organization, cellphones and other wireless devices are considered category 2B risk because of their radiation emission. In December 2013, Dr. Anthony Miller from the University of Toronto's School of Public Health revealed that radio frequency exposure is clearly a threat to children.

**(e) Reduced Interaction**

By playing on tablets, they could easily play on their own. If children spend too much time on technology and less time with people, it hinders interaction and disrupts the normal communication skill development on children.

**(f) Sleep Deprivation**

Children who get addicted to playing on their phones or tablets miss out on the needed rest. On other occasions, playing on their tablets becomes their sleeping pill. Without it, they become grumpy and aggressive.

**(g) No Exposure To Nature**

Gadgets are killing the development of a child (*3 to 4 years age group*). Instead of getting out and learning the ways of the world, running and socializing with other kids, they would rather stay at home and play on their computer.

**(h) Damaged Eyesight & ADDICTION**

Prolonged exposure at computer screens strains the eyes. If parents continue to feed the whims of their children, they are allowing addiction to grow.

- (xii) Because the vaccine is not yet finalized and a new strain is also found in many countries, if Government is thinking in any way for physical classes for these 3-4 years age group children's then how these kids will take care of precautionary measures like masks and sanitization and food.

**PRAYER:**

Therefore, on the facts and in the circumstances of the case it is most humbly and respectfully prayed that this Hon'ble court may graciously be pleased to:

- A) Issue a Writ of Mandamus or any other appropriate Writ levied under Article 226 of Constitution of India directing respondents to Pass resolution or issue guidelines directing Schools not to grant admissions for nursery classes for the session 2021-2022 for the age group of (3-4 Years), as the purpose of Nursery education is play school and making child familiar with school and their sitting environment also physical/emotional activity of the children and it cannot be done by online courses or by physical opening of schools because of COVID-19 and 20 Virus, as action of respondent is also violative of Article 14, 21 and other Fundamental Rights reserved under Constitution of India for parents and children's.
- B) pass such further or other orders which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case in the interest of justice.

NEW DELHI

DATED 05.01.2021

PETITIONER.

Through

~~RAJAT~~ VATS

CH.NO.307, CK DAPHTARY

LAWWYERS CHAMBER, SUPREME

COURT OF INDIA, NEW DELHI 110001.

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