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

+ **W.P.(C) 5403/2021 & CM APPL. 16724/2021**

PARAM SHIVANSH SINGH AND OTHERS Petitioner

Through: Ms. Asha Jain Madan, Advocate/

versus

DAYANAND ADARSH VIDYALAYA AND OTHERS

..... Respondent

Through: Mr. Pardeep Kumar, Adv. for R-1.

Mr. Santosh Kumar Tripathi, SC
(Civil) GNCTD with Mr. Arun
Kumar, Mr. H.S. Sachdeva,
Advocates

Mr. Siddharth K. Dwivedi, Advocate
for R-3 to R-5

+ **W.P.(C) 5053/2020, CM APPLs. 18234/2020, 9904/2021 &
17558/2022**

DEEPA CHHIBBER & ORS. Petitioners

Through: Ms. Asha Jain Madan, Advocate.

versus

DAYANAND ADARSH VIDYALAYA & ORS. Respondents

Through: Mr. Pardeep Kumar, Adv. for R-1.

Mr. Santosh Kumar Tripathi, SC
(Civil) GNCTD with Mr. Arun
Kumar, Mr. H.S. Sachdeva,
Advocates

Mr. Siddharth K. Dwivedi, Advocate
for R-3 to R-5



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+ **W.P.(C) 7884/2019, CM APPLs. 1177/2021 & 1209/2021**

ANJU RANI

..... Petitioner

Through: Ms. Asha Jain Madan, Advocate/

versus

DAYANAND ADARSH VIDYALAYA AND OTHERS

..... Respondent

Through: Mr. Vineet Bahal and Mr. Pardeep
Kumar, Adv. for R-1.
Mr. Zoheb Hussain, ASC for
GNCTD with Mr. Vivek Gusnani,
Mr. Shoaib Alvi, Mr. Dewang Singh
Chauhan and Mr. Aditya, advocates
Mr. Siddharth K. Dwivedi, Advocate
for R-3 to R-5

versus

DAYANAND ADARSH VIDYALAYA
AND ORS.

..... Respondents

Through:

CORAM:
HON'BLE MS. JUSTICE POONAM A. BAMBA

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ORDER
06.06.2022

CM APPL. No. 16724/2021

1.0. Vide this application, the petitioners, who are the students of the respondent No.1 school, have prayed for interim directions to the school to grant them promotion to the respective next higher classes for the Academic Session 2020-21 under the “No Detention Policy” of the government as mandated vide Circular dated 2.3.2021.



2023-PHC-2699

2.0 Ld. Counsel for the petitioner submits that seven students have been granted admission to the Govt. Schools, but petitioners no. 17, 18 and 23, who have opted for admission to Govt. School, have yet to be given admission. Further, the students/petitioners, who have opted to take admission in private schools on their own, require transfer certificates and also promotion card, for that purpose.

3.0 Respondent no. 1 submits that they have no difficulty in issuing of the transfer certificate and they undertake to issue the same within 2 days. However, ld. Counsel for the respondent no 1 submits that there is difficulty in issuing the promotion card.

3.1 Ld. Counsel for the respondents no. 3 to 5 submits that private school cannot insist on promotion card, because as per Rule 141 of The Delhi School Education Rules, 1973, affidavit of the parent/guardian of child can suffice.

3.2. At this stage, ld. Counsel for the respondent no. 2 submits that they shall mention the factum of promotion in the transfer certificate itself.

3.3 Let the same be provided to the children/petitioners, who have applied for it.

4.0. List on 05.07.2022 before Roster Bench.

5.0. At this stage, ld. Counsel for the respondent no. 1 submits that the above shall be without prejudice to the rights and contentions of the parties.

6.0. `At this stage, ld. Counsel for the petitioners submits that student/petitioner no. 23 has to seek admission in class 10th and he has applied for it to the Govt. School, but he is yet to be admitted in the said class.



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6.1 Ld. Counsel representing the respondents no. 3 to 5 submits that as per CBSE, following three documents are required for admissions to class 10th :

- (i) 9th class passing marksheet
- (ii) SLC (School Leaving Certificate) passing 9th class
- (iii) Registration done with CBSE while studying in class 9th

6.2. Ld. Counsel for respondents no. 3 to 5 also submits that as no classes were held, 9th passing marksheet and even the promotion card cannot be provided because “no detention” policy applies only to the students of class 1 to 8th. He further submits that respondents can facilitate admission to the petitioner no. 23 in NIOS.

6.3. Ld. Counsel for the petitioners submits that same is not acceptable.

6.4. At this stage, ld. Counsel for the respondents no. 3 to 5 submits that as the above are the requirements of CBSE, it would be appropriate that CBSE be impleaded as a party to the petition, so that necessary directions can be issued.

7.0. List the matter before **Roster Bench on 05.07.2022.**

POONAM A. BAMBA, J

JUNE 6, 2022/ch

[Click here to check corrigendum, if any](#)