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

+ **W.P.(C) 13555/2024 & CM APPL. 56685/2024**

ADVIK THROUGH HIS FATHER DALIP KUMARPetitioner

Through: **Mr.Arkanail Bhaumik and Ms.Rupam
Jha, Advs.**

versus

DIRECTORATE OF EDUCATION & ANR.Respondents

Through: **Mr.Prakhyat Gargasya, Adv for R-1.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% 15.10.2024

1. Heard learned counsel appearing for the parties on the question of interim relief.
2. The Court *vide* order dated 26.09.2024 directed for issuance of notice, and, thereafter, on 14.10.2024, adjourned the matter to enable the respondent to seek instructions.
3. Learned counsel who appears for the respondent-School submits that total admission granted till date are 8. Out of 8, 6 are in General Category and 2 are against the EWS category. He, therefore, submits that going by the prescribed percentage i.e. 25% of the admission, the respondent-School fulfils the statutory requirement. He, therefore, submits that beyond the 25% capacity, no further admissions can be granted by the respondent-School. The aforesaid submission has been denied by respondent-DoE.
4. I have considered the aforesaid submission and as on date the Court



finds that merely on the ground that the respondent-School has not been able to grant admission against the General Category to the possible intake capacity, the admission against the EWS category to the extent of the 25% of the total intake capacity cannot be reduced or denied. The mandate of law requires that 25% of the total intake capacity students are to be admitted against the EWS category.

5. The Court, therefore, directs the respondent-School to provisionally admit the petitioner forthwith. Let the necessary formalities be completed without any further delay. However, the admission shall remain subject to further directions passed by this Court after the counter-affidavit is placed on record by the respondents.

6. Let the respondents to positively file the counter-affidavit within a period of two weeks. The Petitioner shall be at liberty to file the rejoinder within period of one week thereafter.

7. List on 02.12.2024.

PURUSHAINDR KUMAR KAURAV, J

OCTOBER 15, 2024/MJ