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

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Date of Decision 02.09.2024

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W.P.(C) 12093/2024 & CM APPL. 50307/2024

MASTER HARMANPREET SINGH THROUGH MR.

PARAMJEET SINGH

.....Petitioner

Through: Ms. Swathi Sukumar, Mr.
Naveen Nagarjuna, Mr.
Rishubh Agarwal and Mr.
Ritik Raghuwanshi, Advocates

versus

DIRECTORATE OF EDUCATION, GOVT. OF NCT OF
DELHI & ANR.

.....Respondents

Through: Mr. Karn Bhardwaj, ASC
GNCTD with Mr. Shubham
Singh, Mr. Rajat Gaba and Mr.
Saurabh Dahiya, Advocates
for DoE/R-1.

Mr. Kamal Gupta, Ms. Tripti
Gupta, Mr. Sparsh Aggarwal,
Mr. Karan Chaudhary and Ms.
Yosha Dutt, Advocates for R-
2/School.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

SWARANA KANTA SHARMA, J. (ORAL)



1. The instant petition under Article 226 of the Constitution of India has been filed on behalf of petitioner, *inter alia*, seeking issuance of an appropriate writ, order or direction, directing the respondents to admit or enroll the petitioner in the Nursery/ Pre-school Class under the EWS category for the Academic Session 2024-25, in the respondent no. 2 School i.e. Indraprastha World School.

2. Learned counsel appearing on behalf of the petitioner states that despite the petitioner's child being granted admission by way of the computerized draw of lots, respondent no. 2 School has denied admission to him. It is also stated that despite the petitioner approaching the respondent no. 2 School on several occasions, within the stipulated time period, the School has not accepted the renewed income certificate of the petitioner's parents. It is further stated that respondent School has failed to comply with the circulars dated 15.05.2024 and 31.05.2024 in providing admission to the petitioner as per the allotment made by respondent no. 1/DoE. It is stated that respondent no. 2, by its actions, is denying the petitioner the right to free and compulsory education of children between the age of six to fourteen years which is a fundamental right enshrined under Article 21A of the Constitution of India. It is also stated that the School's discriminatory action of not even letting the petitioner submit his documents for admission of his child is violative of Articles 14, 15 and 16 of the Constitution of India. It is stated that the denial of admission to the petitioner's child by respondent no. 2 School is also violative of the statutory provisions of the RTE Act, which



recognizes and guarantees the right of the child to free and compulsory education. It is further stated that the allotment of school made to the petitioner child by respondent no. 1 is after due scrutiny and acceptance of all documents, and the very denial of admission by respondent no. 2 School is purely whimsical and contrary to the mandate of law.

3. On the other hand, learned counsel appearing on behalf of the respondent no. 2 School fervently refers to para no. 11(a) of Circular dated 24.04.2024 issued by respondent no. 1/DoE, which provides that the income certificate, forming the basis of applying under the EWS category, must have been issued prior to applying for online admission process.

4. This Court's attention has also been drawn to a circular dated 31.05.2024 which lays down the guidelines for admission under EWS/DG category at entry level. The same reads as under:

“....6 (ix). The school must confirm details of the EWS/DG & CWSN Category of successful candidate from the supportive documents produced by them.

7. The school shall carefully carry out the necessary scrutiny/verification of the documents produced. The school must also verify the genuineness of EWS/DG & CWSN certificates issued by the different department through online (<http://edistrict.delhigovt.nic.in>), if available, or in writing from the office or issuing authority.

5. Learned counsel for the petitioner admits that the certificate of income which was issued by the Department of Revenue, Government of NCT of Delhi was only valid upto 15.04.2024 i.e. one month prior to applying for admission under the EWS category,



hence at the time of applying for the admission under EWS category, the petitioner did not have valid income certificate.

6. Thus, the issue for consideration before this Court is whether the non-filing of the income certificate, due to its lack of validity at the time of applying for online admission process/ process of draw of lots, can justifiably result in the rejection of the allotment of school for admission to the applicant under the EWS category.

7. This Court has perused **para no. 11(a) of Circular dated 24.04.2024** issued by respondent no. 1/DoE, which reads as under:

“...11. Economic Weaker Section (EWS)

(a) Income certificate (less than 1 lakh rupees annually) must be issued by the Revenue Department of GNCT of Delhi". Date of Issue of Income certificate or application/Receipt for **issue of income certificate must be before the last date of applying for online admission process.** BPL/AAY(Ration Card/ Food Security Card Holder) issued from GNCT of Delhi are eligible under Economic Weaker Section for applying in these Private Unaided Recognized Schools for admission of their ward under Economically Weaker Section Category...”

8. This Court thus notes that the above-mentioned circular issued by DoE specifically provides that the income certificate should be valid as per their guidelines as on the date of applying for admission under the EWS/DG category.

9. Considering the aforesaid, this Court is of the opinion that in view of the Circular dated 24.04.2024, the petitioner has failed to produce a valid income certificate to the school which is a mandatory requirement and pre-requisite for applying for admission under the EWS category.



10. Learned counsel for the petitioner also stated that since the petitioner herein was already in possession of an income certificate for the previous year and though, admittedly it was not valid on the date of applying for admission under the EWS category, the subsequently issued income certificate should be considered as renewal of the old income certificate and therefore, valid for the intervening period too.

11. This Court does not agree with the contention of the learned counsel for the petitioner since at the time of issuance of fresh income certificate, the candidate is required to furnish fresh documents to the Revenue authorities who are designated authorities for issuance of income certificate, who scrutinize the fresh documents for the purpose of issuance of income certificate on that date which remains valid only for six months. It is prudent to do so since a person's income may not remain static or same for a longer period at a stretch, to be defined as renewal of the old income certificate. It is a new income certificate issued on the basis of fresh documents furnished by the parents of the candidate.

12. **In view thereof**, this Court finds no ground to direct the respondent no. 2 School to grant admission to the petitioner's child under the EWS category as the child was not eligible to apply for the same, at the time of seeking admission under EWS category.

13. During the course of arguments, learned counsel for the petitioner also stated that the parents of the petitioner herein are not highly educated and belong to disadvantaged category and financially weaker sections of the society, who were not aware about the date of



expiry of income certificate, so as to appreciate that the income certificate has an expiry date and on the date of applying for such admission, it should be valid on the said date. She states that this Court may issue directions or guidelines to help such parents, as in majority of cases, this lack of awareness results into the candidate being declared ineligible for admission under EWS category.

14. Having heard the learned counsel for the petitioner, and learned counsel for the DoE who also agrees with these contentions, this Court observes that the parents involved in this case belong to the economically weaker section and are not well-educated as in many other cases. They are often unaware of the specific requirements mandated by the DoE regarding the validity of an income certificate and the importance of uploading and producing valid income certificate as on the date of applying for such admission. **The situation is exacerbated by their limited understanding of the English language and lack of awareness about this strict mandate regarding validity of income certificate.** For many, an income certificate issued once is deemed valid for a long time. It has come to the Court's attention that the notice dated 24.04.2024, which outlined the necessity of filing a valid income certificate, was overlooked by the petitioner's parents also due to the language barrier as explained by the father of the petitioner, who is present in the Court.

15. This Court in its many past judgments has emphasized the **need for removing language barriers to enable the common community members to enjoy the fruits of a welfare legislation.**



In this Court's opinion, this oversight about not obtaining or filing a valid income certificate was less due to negligence and more due to the parent's lack of knowledge of the English language and clear understanding about the importance of a valid income certificate.

16. Given these circumstances and in view of the categorical answer furnished by learned counsel for DoE that the circulars and notifications are issued only in the English language, even pertaining to admission of children belonging to the EWS category, this Court deems it appropriate to **lay down the following directions:**

- (i) It is necessary that the **notices/circulars issued by the Directorate of Education should not be restricted to the English language alone** which are meant for admissions under EWS category, specifically those which lay down the guidelines and the mandatory documents etc. which are required to be uploaded by the parents of such candidates, since this leads to significant barriers in communication and compliance by those for whom these circulars are meant for. This sentiment has been expressed by many parents in multiple cases before this Court.
- (ii) To ensure that all parents, regardless of their educational background or linguistic proficiency, have equal access to crucial information, **it is necessary that such notices are also issued in Hindi**, which is widely spoken and understood by a large segment of the population. This **dual-language approach will**



help to prevent future instances of non-compliance due to language barriers and ensure that the rights and opportunities available under the law are accessible to all citizens, particularly those from disadvantaged backgrounds.

- (iii) The DoE will also ensure through its various Education Officers, as deemed appropriate by the Director, information regarding the validity of the income certificate and other documents required and to be furnished by the parents applying for admission under EWS category is widely spread. They will also **upload this information in Hindi for the general public of Delhi** for their easy understanding.
- (iv) It will be appropriate that **DoE may upload a video which explains the process of applying for admission under the EWS category, which should also incorporate the mandate of filing a valid income certificate and as to what a valid income certificate means, as well as the other documents required which are to be filed by the candidate/applicant.** It should also be noted that such videos should be prepared with a **dual-linguistic approach, i.e. both in Hindi and English and any other Indian language**, as may be deemed appropriate by the Director, DoE or the State of Delhi.



17. In view of the above directions, the present petition stands disposed of, along with pending application if any.

18. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

SEPTEMBER 2, 2024/zp