



2025:DHC:9872



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 11th November, 2025*

+ W.P.(C) 9331/2023 & CM APPLs. 35575/2023, 65611/2023

BABY YAANA

.....Petitioner

Through: Mr. Devender Kumar, father of
Petitioner.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Abhinav Sharma and Mr.
Shubham Sharma, Advocates for R2.Mr. Jayesh Kain and Mr. Vinayak Batta,
Advocates for R3.Mr. Dhruv Rohatgi, Panel Counsel with Mrs.
Chandrika Sachdev and Mr. Dhruv Kumar,
Advocates for GNCTD.**CORAM:****HON'BLE MS. JUSTICE JYOTI SINGH****JUDGEMENT****JYOTI SINGH, J. (ORAL)**

1. This writ petition is filed on behalf of the Petitioner under Articles 226/227 of the Constitution of India seeking the following reliefs:-

"I. Issue a writ in the nature of Certioraris for quashing the verbal order dated 17.04.2023 and written order dated 22.05.2023 (Annexure P/3) passed by the respondent No.3.

II Issue a writ in the nature of Mandamus directing the respondents to admit the petitioner in 1st class at Banasthli Public School, G Block, Vikas Puri, Delhi-110018

III. Issue any further or other appropriate Writ, order or direction which may be deemed fit and proper by this Hon'ble Court in the facts and circumstance of the present case.

IV. Dispense with the requirement of serving advance notice to the respondents and filing of certified copies of the Annexures.

V. Award the costs of the petition."



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2. By interim order dated 03.10.2023, Court had directed Respondent No. 3/Banasthali Public School ('School') to grant provisional admission to the Petitioner in Class-I for Academic Session 2023-2024 in the EWS category. The interim order was implemented by the School granting provisional admission to the Petitioner and she continues to pursue her studies in the School.

3. Learned counsel for the School raises two-fold objections in opposition to the reliefs claimed in the writ petition. The first objection is that there was a mismatch in the residential address of the Petitioner, which was discovered in the course of verification of documents conducted by the School and the Aadhar Card, which is now filed with the writ petition, was not submitted along with the application at the time of seeking admission. The second objection is that the Directorate of Education ('DoE') declared 72 seats for Class-I in the relevant session and 18 students, which constitutes 25% of the allocated seats, have already been admitted and if Petitioner is continued, the seats will be exceed the permissible quota, as the strength will increase to 19 in the EWS category.

4. Counsel for DoE, on the other hand, relying on the reply filed, submits that denial of admission to the Petitioner on both the grounds brought forth by the School is untenable in law. Insofar as the mismatch of residential address is concerned, as per paragraph 18 of Circular dated 14.03.2023 issued by DoE, admission is to be denied only if there is a mismatch of address filled in the online registration form and the documents produced at the time of admission, which means that if the address in the online form is similar to the documents produced such as Aadhar Card, admission cannot be denied and in the present case, the address mentioned



in the registration form is the same as in the Aadhar Card. On the second objection, it is stated that School was under a mandate to admit 25% of the total seats declared as the minimum threshold but there is no maximum ceiling and therefore the contention that Petition cannot be granted admission being the 19th student is unsustainable.

5. Mr. Devender Kumar appearing for the Petitioner submitted that there was no mismatch in the address given in the registration form and the Aadhar Card and in this context draws the attention of the Court to the documents on record. It is submitted that the provisional admission given to the Petitioner be confirmed and she be permitted to continue in the School.

6. Heard Sh. Devender Kumar, father of the Petitioner and learned counsels for the Respondents and examined their rival contentions.

7. Insofar as the first objection of the School is concerned, this Court finds no merit in the same. As per paragraph 18 of Circular dated 14.03.2023 issued by DoE, admission can be denied in the School if there is a mismatch in the residential address furnished in the registration form and documents given as proof of the address such as Aadhar Card. In the present case, it is admitted by counsel for the School during the course of hearing that no fact-finding exercise/investigation was carried out by the School to verify the address of the Petitioner. The registration form and the Aadhar Card clearly indicate that there is no mismatch in the address and in fact, Petitioner was residing at the given address at the time of submission of the registration form and continues to reside at the said address at present. In ***Rameshwar Jha v. Principal Richmond Global School and Others, 2022 SCC OnLine Del 4438***, this Court has held that mere suspicion or doubt as regards the credentials of the candidate cannot be a ground to deny



admission to a child under Right of Children to Free and Compulsory Education Act, 2009. Counsel for the School is unable to point out any discrepancy in the address. Significantly, it is not the case of the School even today that there is a mismatch of residential address of the Petitioner in the registration form and the Aadhar Card and/or the Aadhar Card is a forged or fabricated document. Therefore, admission cannot be denied by the School on this frivolous ground, as rightly stated by DoE in its reply filed in this Court and earlier communication sent to the School.

8. As regards the second contention, in my view, the same is completely devoid of merit in light of the stand taken by DoE. It is true that DoE sanctioned 72 seats for Class-I in the relevant Academic Session and 25% of seats in the EWS category was 18. However, as clarified by the counsel for DoE, based on the reply filed, 25% is the minimum threshold which the School must meet but there is no maximum cap. Counsel for the School is unable to point out any guideline or statutory provision or a judicial precedent which bars the School from exceeding threshold of 25% which as stated by counsel for DoE, is only the minimum threshold. Accordingly, both the objections are rejected.

9. The writ petition is allowed and disposed of, directing the School to confirm the provisional admission of the Petitioner and continue her in the School. Interim order dated 03.10.2023 is made absolute. Pending applications also stand disposed of.

JYOTI SINGH, J

NOVEMBER 11, 2025/YA