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1

ITEM NO.15 & 26
OUT TODAY

COURT NO.1

SECTION XIV

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

I.A.Nos. 1 & 2 IN &
Petition(s) for Special Leave to Appeal (Civil).....CC 12275-12276/2007

(From the judgement and order dated 26/09/2007 in RP No. 404/2007 &
WP No.12490/2006 of The HIGH COURT OF DELHI AT N. DELHI)

FORUM FOR PROMOTION OF QUALITY EDUN.

Petitioner(s)

VERSUS

SOCIAL JURIST,A CIVIL RIGHT GROUP & ORS.

Respondent(s)

(For permission to file SLP & with prayer for interim relief)

WITH
SLP(C) NO.....CC 12744 & 12862/2007 - With appln. for permission to file SLP,
with prayer for interim relief and Office Report

Date: 14/12/2007 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE J.M. PANCHAL

For Petitioner(s) Mr. Harish Salve, Sr.Adv.

Mr. Rakesh K. Khanna, Sr.Adv.
Mr. Reetesh Singh, Adv.
Mr. Sarfaraz, Adv.
Mr. Rajan Dubey, Adv.
Ms. Shelja Sinha, Adv.
Mr. P. Vyas, Adv.
Mr. Surya Kant, Adv.

Mr. Mukul Rohtagi, Sr.Adv.
Mr. Rajiv Mehta,Adv.
Ms. Nisha Bhambhani, Adv.
Mr. Biswanath Agrrawalla, Adv.

For Respondent(s) Mr. Ashok Agarwal, Adv.

Mr. Anuj Aggarwal, Adv.

2

Mr. Mridul Chakravarty, Adv.
Mr. R.P. Saxena, Adv.

Mr. Saurabh Prakash, Adv.
Mr. Narendra Kumar, Adv.

UPON hearing counsel the Court made the following
ORDER

SLP(C) No.....CC 12862/2007

Permission to file Special Leave Petition granted.

Issue notice.

The High Court, in the impugned order, has noted that Government of National Capital Territory of Delhi has more or less accepted all the Ganguly Committee recommendations in the matter of admission of children to pre-primary class in the primary schools and prepared the guidelines for admission to pre-primary classes. In the light of what was agreed before the High Court, the Lt. Governor of NCT of Delhi had made the "The Recognised Schools (Admission Procedure for pre-primary class) Order 2007" in terms of the guidelines in exercise of power conferred under Section 3(1) of Delhi School Education Act, 1973 and the Rules thereunder (hereinafter referred as 'Admission Order'). The counsel for the petitioners has raised several contentions as regards the guidelines for procedure for admission (now 'Admission Order') and contended that they are violative of the fundamental right under Article 19(1)(g) of the Constitution. He also submitted that as the High Court has already accepted the guidelines, it will be futile to challenge the 'Admission Order' made in terms of the accepted guidelines, before the High Court.

The main grievance of the petitioner is with reference to clauses 7, 9, 15 and 23 of the Admission Order.

3

Clause (7) relates to interview or interaction with the children and the parents of the children. It provides:

"The school shall not conduct any interview of, or interaction with the child for whom admission is being sought.....However, the school can have informal interactions with parents/guardians only with the purpose to ascertain the veracity and correctness to the parents/guardians in writing in advance".

The words "only with the purpose to ascertain the veracity and correctness of the documents/details which will be communicated to the parents/guardians in writing" in the last para of clause (7) and the words "or interaction" in the second para of clause (7) are stayed for the time being.

Clause (9) deals with the schedule of dates for admission. Such of the schools which have objection to the schedule may give their own schedule in advance to the Director of Education within one week and also publish the Schedule containing date of distribution of Registration Forms, date fixed for acceptance of filled up forms, dates of admission etc. in the Notice Board of the schools or on its website. Those schools which prefer to follow clause (9) of the

Admission Order, may regulate the admission in terms of the said clause.

Schools which do not submit their own schedules to the Director within one week, shall be governed by clause 9.

Clauses 15 and 23 deal with the admission criteria adopted by the schools. They contemplate the Managing Committee of the school finalising the admission criteria, with the prior approval of the Director of Education. We make it clear that it will be sufficient if the admission criteria adopted by the schools are sent to the Director of Education. The requirement in clauses 15 and 23 to the effect that there shall be prior approval of the Directorate of Education, is stayed for the time being.

4

SLP(C)No....CC 12275-12276/2007 & I.A.Nos. 1-2 therein

SLP(C) No....CC 12744/2007

Permission to file Special Leave Petitions granted.

Issue notice.

Impleadment application with be taken up with the main matter.

(S. Thapar)
PS to Registrar

(Veera Verma)
Court Master