

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P. (C)3156/2002

Date: 30.5.2007

1. In the ordinary course, since we had heard the petitions substantially, we would have liked the matter to be concluded finally to give a quietus to the controversy, but for a variety of reasons including the ensuring summer vacations, we may not be able to do so. Besides, the interim arrangements with which the institutions have come forward appears to us to be fairly workable for the present. It is true that the impugned notification prescribes a 20 per cent free ship for students belonging to the weaker sections of the society, yet a reduced percentage of 15% free ships inclusive of the ward of teaching and non-teaching staff members is in our opinion an offer which the institutions have themselves made and which need not be decided.
2. We would be happy if the institutions offered admissions at least to the extent of a minimum of fifteen percent inclusive of the wards of the teaching and non-teaching and non-teaching staff working in the school. We would rest content with the institutions themselves giving the admissions to the extent indicated above from out of the students who reside within 3 kilometers of the institutions in the first instance. If vacancies remain unfilled from out of those who reside within 3 kilometers then students living within 6 kilometers from the institutions may be admitted. Only if vacancies remain unfilled after being offered to everyone who has applied for the same within a radius of 3 to 6 kilometers, shall the seats be offered to others similarly situate but living beyond 6 kilometers from the institution. In the totality of the above circumstances.
3. Institutions who are members of the Action Committee, a list of where of Has been furnished by Mr. Khanna along with the affidavit filed on 23rd May 2007 shall admit students from the weaker sections of the society as defined in The impugned notification dated 25th January, 2007 to the extent of minimum 10 Percent plus 5 percent less wards of teaching and non-teaching staff employed In the school.
4. Admission shall be first offered to eligible students from poorer Sections residing within 3 kilometers of the institutions. In case vacancies Remain unfilled, student residing within 6 kilometers of the institutions shall Be admitted. Students residing beyond 6 kilometers shall be offered admission Only in case the vacancies remain unfilled even after considering all students Within 6 kilometers area.
5. In case the reserved vacancies remain unfilled even after offering Admission to students beyond 6 kilometers, the same shall be indicated to the Director of Education who shall being otherwise eligible for such admission Against the same subject to their being otherwise eligible for such admission. The Director of Education shall for that purpose be the nodal agency for purpose of

ensuring that the prescribed percentages of student are admitted in the freeship quota.

6. Reimbursement due to the students in terms of the students in terms of the impugned Government order on the recommendation of the institutions and on a certificate to the parents on the recommendation of the institutions and on certificate to be issued by the school that the students to whom the reimbursement is being made have been admitted to the institutions. The deficit, if any, on account of the cost of the books and other essentials shall be borne by the parents of the students admitted to the institutions in the weaker section category.