



\$~J

* IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment reserved on: 09.02.2026

Judgment pronounced on: 19.02.2026

+ **W.P. (C) 1649/2026 & C.M. APPL. 8024/2026**

GAURI KANSAL (MINOR) THROUGH FATHER ANIL KANSAL

....Petitioner

Through: Mr. Varun Mittal, Mr. Jasbir Bidhuri
and Ms. Kajal Garg, Advocates

versus

GOVT. OF NCT DELHI & ORS.Respondents

Through: Mr. Sandeep Sharma, Sr. Adv. With
Mr. Nitin Mangla, Mr. Nitish Garg,
Advocates for Respondent No. 3

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

JUDGMENT

1. This is a writ petition filed under Article 226 of the Constitution of India seeking to challenge the Admission Criteria of the respondent denying sibling points to the petitioner's daughter.

FACTUAL BACKGROUND

2. The petitioner is a citizen of India and his daughter is a candidate for admission in the respondent No. 3 school for academic session 2026-2027.



3. The respondent No. 3 is a private unaided school situated in New Delhi established and managed by Ashoka Education and Welfare society and registered at 13, School Site, Rohini, New Delhi. The school is an English-medium, coeducational institution affiliated with the Central Board of Secondary Education and governed by the Directorate of Education ("DoE"), Government of NCT of Delhi.
4. The Government of NCT of Delhi *vide* Circular dated 23.11.2025, issued the Admission Schedule and Guidelines for Entry-Level Classes (below six years of age) for open seats, i.e. other than EWS/DG/CWSN, in private unaided recognised schools for the Academic Session 2026-2027 with a view to ensure a fair, transparent and uniform admission process.
5. While complying to the said circular, the respondent No.3 issued a notification inviting online applications for admission to entry-level classes for the Academic Session 2026-27. The said admission process commenced from December, 2025.
6. The petitioner applied online for admission of his minor daughter, Miss. Gauri Kansal ("Child"), to pre-school class of the respondent No. 3 for Academic session 2026-27 *vide* application dated 27.12.2025 and was allotted registration No. 26-2475. As per the petitioner, the child, according to the admission criteria, should have been allotted 70 points (50 points under the neighbourhood category and 20 points under the sibling category).
7. The result and first admission list based on the draw of lots under Open Seat/ General Category was published on 16.01.2026, wherein the aggregate points scored by each applicant were reflected next to their



name. The child only secured 60 points, i.e. 50 points for neighbourhood and 10 points for being girl child as opposed to 70 points as expected by the petitioner.

8. The petitioner, thereafter, addressed an email dated 16.01.2026 to the respondent No. 3 and requested the correction of the said points as reflected in the result. He specified in the email that the child is entitled to sibling points as his elder son (from his first wife), Master Maulik Kansal, had been a student of the school and had passed out in year 2020. Thereafter, having received no response, the petitioner sent a follow-up email reiterating the same grievance on 20.01.2026
9. The respondent No. 3, on the same day, responded to the email of the petitioner stating that as per the admission criteria the candidate should be a real brother or sister of an existing student of the respondent No. 3, to be eligible for the sibling points. Since, the petitioner's son was neither the real sibling of the child nor was currently enrolled with the school, sibling points could not be granted.
10. The petitioner again responded to the said reply of the respondent No. 3 and stated that the petitioner is the biological father of both the child and Master Maulik Kansal and that the child is born out of the second marriage. Therefore, Master Maulik Kansal and the child are half-brother and half-sister, making them brother and sister, as per law.
11. Thereafter, a series of emails were exchanged between the petitioner and respondent No. 3 wherein the petitioner pointed out that the admission criteria does not exclude siblings of former students and interpretation sought by the respondent No.3 is unreasonable and arbitrary, whereas the respondent No. 3 reiterated the restrictive



interpretation of the term sibling for awarding sibling points and stated that the sibling must be currently enrolled in the school.

12. It is the case of the petitioner that the conduct of the respondent No. 3 in excluding the child from sibling category despite undisputed sibling relationship has resulted in grave prejudice to her academic prospects and has caused injustice thereby violating Article 14 and 15 of the Constitution of India. Hence, the present petition.

SUBMISSIONS ON BEHALF OF THE PETITIONER

13. Mr. Varun Mittal, learned counsel for the petitioner, challenges the admission criteria stating that the same is irrational and arbitrary as the respondent No. 3 has in an arbitrary manner denied sibling points to child despite the child being biological half-sister of a former student of the respondent No.3. He states that the said interpretation of the term “sibling” in the respondent No. 3’s admission guidelines is legally untenable.
14. He further states that insofar as guidelines restricts the grant of sibling points only to siblings of existing students while entirely excluding siblings of former students/alumni, is manifestly arbitrary and violative of Article 14 of the Constitution of India. The classification sought to be created between siblings of current students and siblings of alumni is artificial, unreasonable, and devoid of any intelligible differentia. The same in no way ensures fair and transparent admission process. The objective of awarding sibling points is to recognise the family’s association with the institution and to ensure administrative convenience. This objective is also fulfilled in the case of alumni, whose families reflect a sustained and long-standing association with



the school. In this regard, he places reliance on *Ayan Jorwal (Minor) Through Father Dinesh Kumar Meena v. Govt. of NCT of Delhi & Ors., W.P. (C) 348/2023*.

15. The respondent No.3 School, being an institution recognized by and affiliated with the education board, is performing a public duty and would, thus, be considered an instrumentality of the State for the purposes of Article 12 of the Constitution of India. Therefore, its actions in the matter of admissions affect the fundamental right to education. The criteria adopted to admit students must be fair, just, non-arbitrary, and in conformity with the principles of natural justice and constitutional morality. He further states that the criteria seeks to create the discrimination between siblings of existing students and former students. Additionally, the criteria does not create any distinction based on merit or aptitude. There is no educational or administrative reason to discriminate against the child merely because the older sibling has graduated from the school. Thus, the exclusion, in the present case amounts to denial of fair opportunity. Reliance is placed in *E.P. Royappa v. State of T.N., (1974) 4 SCC 3* wherein it was held that arbitrariness is the antithesis of equality.
16. He further states admission criteria frustrates the legitimate expectation of the petitioner and other similarly placed parents. The petitioner has invested in the school for the education of their elder child and have a legitimate expectation that their younger children will be given a fair preference, a practice that fosters a sense of community and loyalty. The respondent No. 3 has arbitrarily denied the admission and the same is an abuse of its discretionary powers.



SUBMISSIONS ON BEHALF OF THE RESPONDENTS

17. Mr. Sandeep Sharma, learned Senior Counsel for the respondent No.3, states that the respondent No. 3 has acted in fair transparent and non-discriminatory manner. The admission criteria were pre-declared in the prospectus titled *Admission Information for Nursery (Pre-School-1)* for the academic session 2026-27.
18. He further states that the respondent No.3 is a private and unaided educational institution and in terms of the judgment of *T.M.A. Pai Foundation v. State of Karnataka, (2002) 8 SCC 481* has the right to administer and manage its own affairs provided the same must be fair, open and non-exploitative. The admission criteria fall within these permissible parameters. To further substantiate his submission, learned counsel also relies on *Action Committee Unaided Recognised Private Schools v. Directorate of Education, W.P. (C) 448/2016* and *Forum for Promotion Quality Education for All v. Lt. Governor of Delhi and Ors., W.P. (C) 202/2014*.
19. He elaborates that the petitioner's claim for entitlement to 70 points is incorrect and based on misinterpretation of sibling's criteria. The non-allocation of 20 sibling points was only due to lack of fulfilment of the criteria i.e. being an existing student. The petitioner's elder son, Master Maulik Kansal was a former student and not an existing one. Therefore, as per the admission criteria the award of sibling points is not applicable to the child. The essentials for the application and award of sibling points do not apply here.
20. Furthermore, the difference between siblings for existing students and siblings of alumni is a reasonable distinction. The main reason to give



sibling points is logistical and administrative convenience, such as parent-teacher meetings, participating in school events and handling fee payments to the parents who have two or more children attending the same school. The petitioner and DoE have no role in day-to-day running of the affairs of the school.

21. Learned counsel appearing for DoE, states that DoE has a restrictive role in day-to-day functioning of the respondent No. 3, being an unaided minority school. He further states that the respondent No.3 is well within its rights to formulate a point system to admit students.

ANALYSIS AND FINDINGS

22. I have heard learned counsel for the parties and perused the material on record.
23. Before delving into the merits of the case, it is relevant to discuss the judgment of ***TMA Pai Foundation(Supra)***. Educational institutions, particularly private unaided schools, are entitled to frame admission criteria to manage their affairs, subject to the condition that such criteria are fair, transparent, and non-arbitrary. As per the law laid down in ***TMA Pai Foundation (Supra)***, private unaided school managements have a fundamental right under Article 19 (1) (g) to establish, run and administer their schools including the right to admit students. The relevant portion reads as under:

“Private unaided non-minority educational institutions

48. Private education is one of the most dynamic and fastest-growing segments of post-secondary education at the turn of the twenty-first century. A combination of unprecedented demand for access to higher education and



the inability or unwillingness of the Government to provide the necessary support has brought private higher education to the forefront. Private institutions, with a long history in many countries, are expanding in scope and number, and are becoming increasingly important in parts of the world that relied almost entirely on the public sector.

xxxx

50. The right to establish and administer broadly comprises the following rights:

- (a) to admit students;*
- (b) to set up a reasonable fee structure;*
- (c) to constitute a governing body;*
- (d) to appoint staff (teaching and non-teaching); and*
- (e) to take action if there is dereliction of duty on the part of any employees.*

xxxx

55.There can be no doubt that in seeking affiliation or recognition, the Board or the university or the affiliating or recognizing authority can lay down conditions consistent with the requirement to ensure the excellence of education. It can, for instance, indicate the quality of the teachers by prescribing the minimum qualifications that they must possess, and the courses of study and curricula. It can, for the same reasons, also stipulate the existence of infrastructure sufficient for its growth, as a pre requisite. But the essence of a private educational institution is the autonomy that the



institution must have in its management and administration. There, necessarily, has to be a difference in the administration of private unaided institutions and the government-aided institutions. Whereas in the latter case, the Government will have greater say in the administration, including admissions and fixing of fees, in the case of private unaided institutions, maximum autonomy in the day-to-day administration has to be with the private unaided institutions. Bureaucratic or governmental interference in the administration of such an institution will undermine its independence. While an educational institution is not a business, in order to examine the degree of independence that can be given to a recognized educational institution, like any private entity that does not seek aid or assistance from the Government, and that exists by virtue of the funds generated by it, including its loans or borrowings, it is important to note that the essential ingredients of the management of the private institution include the recruiting students and staff, and the quantum of fee that is to be charged.

xxxx

61. In the case of unaided private schools, maximum autonomy has to be with the management with regard to administration, including the right of appointment, disciplinary powers, admission of students and the fees to be charged. At the school level, it is not possible to grant



admissions on the basis of merit. It is no secret that the examination results at all levels of unaided private schools, notwithstanding the stringent regulations of the governmental authorities, are far superior to the results of the government-maintained schools. There is no compulsion on students to attend private schools.....”

(emphasis supplied)

24. With that scope in mind, I shall examine the facts of the case and deal with rival contentions.
25. The first issue that arises for consideration is whether the admission criteria laid down by the respondent No.3 comes within the purview of administration and management of school. The perusal of judgment of **TMA Pai Foundation (Supra)** shows that the school is free to form its own policy as far as the admission criteria is concerned. The same falls within the definition of “autonomy” granted to unaided private schools with respect to the right to manage and administer the school. The same is further fortified from the stand of DoE where the learned counsel for the DoE has stated that the school is free to form its own admission criteria.
26. The second issue that arises from the perusal of the above contention is that whether the respondent No. 3 acted in an unconstitutional fashion and arbitrarily denied sibling points to the petitioner on the ground that the child is a half sibling of the former student of the respondent No.3, which goes against the specific rules to award such points.



27. It would be relevant to reproduce the selection criteria for admission purposes of the respondent No. 3 school as given in its Admission Information of 2025-26:

SELECTION CRITERIA OF VENKATESHWAR GLOBAL SCHOOL

S.NO.	PARAMETERS	TOTAL POINTS
1.	Neighbourhood:	Category wise 50
	Category A 0-10 Kms	50
	Category B Beyond 10 Kms	30
2.	Siblings (no extra points for girl child and third sibling)	20
3.	Venkateshwar Staff	20
3.	Girl Child/First Child	10

1. **Neighbourhood** - Localities and areas will be considered on the basis of aerial distance. **44**

2. **Siblings** - Only real brother or sister of **existing students** of the school (VGS) will be considered. No extra points for girl child or third sibling.

3. **First Child**:- An affidavit duly signed by both the parents (**Affidavit to be submitted at the time of admission only, in case the child is selected**).

SELECTION CRITERIA FOR OPEN SEATS

S.NO.	(A) CRITERIA FOR OPEN SEATS
(i)	Admission shall first be offered to applicants securing the highest points. If the number of candidates obtaining the highest points exceeds the number of available seats, the final selection shall be made through an online draw of lots, in accordance with the provisions prescribed by the DOE vide Notification No.F.DE.15(172)/PSB/2016/9179-9188 dated 22.11.2025.
(ii)	In the event of any vacancies remaining unfilled after accommodating all candidates securing the highest points, the remaining seats shall be offered to candidates with the next highest points, and subsequently in descending order, as per the prescribed admission schedule.

28. The perusal of admission criteria and specific rules shows that awarding



sibling points is subject to twin conditions:

- a. The applicant must be a “*Real Sibling*” of another student.
- b. That another student must be an “*Existing Student*” with the respondent No. 3.

29. The criteria is clear and unequivocal in its terms. The twin conditions are to take effect conjunctively and not disjunctively. Herein, Master Maulik Kansal is not an existing student of the respondent No. 3. He had passed out from the school in the year 2020 and was, thus, not enrolled as a student at the time when the child sought admission. Furthermore, admittedly, the child is not real sister of Master Maulik Kansal. They share a common biological father and not common biological mother and would not fall under real siblings. Consequently, the child failed to satisfy both the essentials of eligibility conditions for grant of sibling points.

30. This contention of the petitioner that to exclude alumni siblings from the admission criteria to grant sibling points is arbitrary and violative of Article 14, does not appeal to me. The respondent No. 3 being a private unaided institution has the maximum autonomy to conduct its day to day operation, including the liberty to formulate criteria for admission, as long as the same is not arbitrary or devoid of reasoning. Under the autonomy to formulate the admission criteria, it is the prerogative of the respondent No. 3 to choose whether to grant points to applicants who are siblings of existing students or extend the benefit to the applicants who are siblings of alumni students as well, as long as the criteria applies to everyone uniformly. The admission criteria draws a clear distinction between siblings of existing students and siblings of former students. A



line has to be drawn somewhere, the mere fact that line could have been drawn differently does not make the admission criteria arbitrary. Moreover, the said criteria is being followed homogeneously with respect to all applicants. Thus, such classification cannot be said to be artificial or whimsical.

31. The respondent No. 3, further, has provided a plausible and rational justification for limiting sibling points to existing students, namely administrative and logistical convenience in the day-to-day functioning of the school such as parent-teacher meetings, participating in school events and handling fee payments to the parents who have two or more children attending the same school. I find that the classification has a rational nexus with the object sought to be achieved.
32. This Court in **W.P.(C) 2778/2015** titled as ***Master Shivraj Singh Through: Father Sh. Yudhvir Singh v. Govt. of NCT Delhi & Ors.*** held as under:

*“4. I have at the outset invited the attention of the counsel for the petitioner to the judgment of a learned Single Judge of this Court in *Forum For Promotion of Quality Education For All Vs. Lt. Governor of Delhi* 216 (2015) DLT 80 concerned with the question, whether private unaided schools have the autonomy to admit students and whether the children through their parents have a right to choose a school in which they wish to study and whether the executive, by way of an office order, can impose a formula on the basis of which nursery admissions have to be carried out by such schools. It was held, (a) that private unaided recognized school managements have*



a fundamental right under Article 19(1)(g) of the Constitution to maximum autonomy in the day to day administration including the right to admit students, though the right to administer does not include the right to mal-administer; (b) that restrictions cannot be imposed by way of office orders and that too without any authority of law;....

xxxx

8. Though it is not argued but I may add that the action of the respondent No.2 School impugned in this petition would not, in my view, amount to mal-administration, within the meaning of the judgment aforesaid. ”

Further this court, **W.P. (C) 2384/2019** titled as **Master Aditya Singh v. St. Marks Sr. Secondary School & Anr.** further refused to expand the admission criteria laid down by the school to include the petitioner therein. The relevant paragraphs read as under:

“16. 25 points are available under the sibling criterion only if the sibling is “studying in the school”. The words “the school” in the said criterion obviously applies to the school in which the other sibling is seeking admission.

17. It is not possible for this Court to artificially expand the criterion to cover siblings studying in two schools, even if they are managed by the same society or the same management.”

Likewise, in **W.P. (C) 3939/2021** titled as **Miss Aahana Through Father Atul Gupta v. Sanskriti School & Anr.** refused to interfere in the admission criteria laid down by the school as it was reasonable and



applied to all the candidates homogenously. The relevant paragraphs read as under:

“36. Although the courts have recognised the autonomy of private unaided schools in granting admission to students, the schools are required to formulate a procedure to admit students, which is fair, reasonable and transparent.

37. Considering the aforesaid law, it is crystal clear that the procedure as adopted by the respondent school is equitable and transparent and is not discriminatory in any manner. The respondent school has clearly stipulated in its admission notification that the distance is calculated as per the school bus route. The criteria of the respondent school with respect to choosing bus route as a yardstick to determine distance/locality of any applicant, is founded on a rational basis and is acceptable. The said criteria cannot be said to be unjustified. The respondent school has applied the said criteria uniformly to all the applicants and the same is a cogent and intelligible criteria. The school has been following the said criteria consistently in a homogenous manner across the board with respect to all the applicants.

38. The said criteria as devised by the school for calculating distance based on school bus route, falls within the autonomy of the school in devising its criteria for admission. As noted above, the said policy criteria of



calculating distance in accordance with the bus route is being applied by the school uniformly and there is no discrimination in following the same for allotting points”

33. In the light of the above judgments, it is clear that the private unaided school has the autonomy to formulate its own reasonable admission criteria. If the interpretation suggested by the petitioner is accepted, it would require the court to do away with the rule altogether. The word “sibling” though may be interpreted to include step siblings, the respondent No. 3 would be compelled to extend sibling points to an indeterminate category being that of alumni, which would dilute the autonomy of the respondent No. 3.
34. Accepting the petitioner’s argument would also require expanding the scope of the admission criteria beyond its plain terms. The criteria expressly uses the term “*existing students*” leaving no ambiguity as to its meaning. In such circumstances, the Court is required to apply the literal rule of interpretation. Interpreting “*existing student*” to include alumni would amount to expansion of scope of judicial interpretation under Article 226 of the Constitution. The High Court in writ jurisdiction, although possess wide discretionary powers to enforce fundamental and legal rights and do away with the arbitrary actions and constitutional infirmity but cannot re-write the eligibility criteria under the guise of empathy.
35. Further, to buttress his argument that non-awarding of sibling points to the child on the ground that the sibling should be an existing student of the respondent No. 3 is arbitrary, learned counsel for the petitioner, has relied ***Ayan Jorwal (Minor) Through Father Dinesh Kumar Meena***



(Supra). The above case is distinguishable on facts. In the above case the classification was done amongst the existing students based on the category under which they were studying. While the benefit of sibling point was granted to candidates whose siblings were studying under General Category, the same was not extended to candidates if they were studying under DG/EWS Category. The institution could not show any reasonable basis for such distinction between students of General Category and DG/EWS Category, thus, was construed to be arbitrary. In the present case the respondent No.3 has homogeneously applied the classification of the siblings being “existing student” to all the candidates. Exclusion of siblings of alumni is a reasonable classification. It is the prerogative of the respondent No.3 whether to extend the benefit of point system to the siblings of alumni or not.

36. Further, the argument of the learned counsel of the petitioner that the admission criteria frustrates the legitimate expectation is misconceived. The essential features of legitimate expectation include the following:

- a.* Legitimate expectation should be based on a right and not just a mere hope or anticipation and can only be taken by someone who has dealings with public authority.
- b.* Legitimate expectation should arise either from an express or implied promise or some consistent past practice of the authority and operates with respect to both substantive and procedural matters.
- c.* Legitimate expectation cannot be based on casual random acts which are illogical and unreasonable.
- d.* The plea of legitimate expectation can be only taken when a public



authority breaches promise of deviates from any past consistent practice.¹

37. Tested on the aforesaid parameters, in the present case, the question of legitimate expectation does not arise. The admission criteria of the respondent No. 3 clearly stipulates right conferred to attain sibling points were available only where the real sibling is existing student with the respondent No. 3. The condition was pre-declared and uniformly applied. The petitioner's son is admittedly step brother of the child and had already passed out from the institution and thus, was not enrolled with the respondent No. 3 at the time of admission of the child. There is neither express nor implied promise from the side of the respondent No. 3 and no consistent past practice of the respondent No. 3 has been shown of granting sibling points to the step-siblings of alumni. Thus, there is no deviation in the practice of the respondent No. 3. What is sought by the petitioner is not protection of an existing expectation, but creation of a new right. The same does not fall within the ambit of legitimate expectation.

CONCLUSION

38. This court is unable to read the criteria in a manner in which the petitioner seeks to, if the same is done it would interfere with the valuable right of unaided private school to manage and administer its school in the best possible way it thinks. The court is not to substitute its own views and findings.

39. Accordingly, the writ petition is dismissed. However, the fact is that the petitioner had a good experience with the respondent No. 3 as far as his

¹Army Welfare Education Society v. Sunil Kumar Sharma, (2024) 16 SCC 598. Refer paragraph Nos. 60-63



elder child was concerned and it is his endeavour to get the child admitted in the respondent No. 3. The respondent No. 3 is requested to consider the case of the petitioner sympathetically and provide admission, if it can be so done.

JASMEET SINGH, J.

FEBRUARY 19, 2026/(MU)