

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

W.P. No. 30649 of 2015

V.P. Ravichandran

... Petitioner

Vs.

State rep. by

1.The Chief Secretary,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.

2.The Secretary,
Education Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.

3.The Director,
School Education,
Government of Tamil Nadu,
College Road,
Chennai - 6.

4.The Inspector of Schools,
Matriculation Schools,
Erode.

5.The Principal,
Infant Juice Matriculations,
Kumar Nagar, Thirupor.

6.The Principal,
Vidya Vikas Matriculation School,
Thirupor.

7.The Principal,
Sasuri Matriculation,
Mannarai, Thirupor.

... Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing to consider the representation dated 09.09.2015 sent by email to respondents 3 and 4 to accommodate a seat as per law by issuing an application, which is refused by respondents 5 to 7, when approached by the petitioner, as per the constitutional provisions, in letter and spirit.

For Petitioner : Mr.V.P.Ravichandran
Party in Person

For Respondents : Mrs.P. Rajalakshmi
Government Advocate for
R1 to R4
No appearance for R5 to R7

O R D E R

The petitioner appears as party in person. Despite notice having been served on respondents 5 to 7, there is no appearance on their behalf. However, their names are printed in the cause list.

2. The petitioner, who appears as party in person, seeks admission for his son, by name, Logeshwaran, in 11th standard in the 5th respondent School and he submitted that there is no bar in law for admission of his son, in the school belonging to the 5th respondent, but, for reasons best known to the 5th respondent, admission has been refused. According to the petitioner, there is no basis for the 5th respondent to reject his request for admission of his son. Even under the Right to Education Act, according to the petitioner, his son is entitled to get admission and therefore, a direction will have to be issued to the 5th respondent to give admission to his son.

3. Learned Government Advocate appearing for respondents 1 to 4 would submit that it is not the responsibility of respondents 1 to 4 to give admission to the petitioner's son and it is a matter between the petitioner and the 5th respondent.

4. What the petitioner wants is admission for his son in the 5th respondent school. The averments made in the affidavit filed in support of the writ petition have neither been denied nor disputed by the 5th respondent as there is no appearance on their behalf. The petitioner has been made to run from pillar to post for getting admission and it is the case of the petitioner that students, who obtained lesser marks compared to his son, have been given admission, as could be seen from the representation made. There is no material contra to the case of the petitioner. The petitioner has also stated that there is a vacancy available in the 5th respondent School. Considering the above facts, this Court is constrained to allow the writ petition by directing the 5th respondent to give admission to the petitioner's son within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

nv

To

1.The Chief Secretary,
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Fort St. George,
Chennai - 600 009.

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Thirupor.

7.The Principal,
Sasuri Matriculation,
Mannarai, Thirupor.

+1cc to Mr.V.P.Ravichandran, Party-in-Person, S.R.No.60950

+ 1 cc to The Govt.Pleader, Sr 61775 (7/1/16)

W.P. No. 30649 of 2015

EV(CO)
CA(06/11/2015)



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