



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.5331 of 2015

S.Lingarasu

... Petitioner

Vs.

1. The District Collector,
Chairman of Kendra Vidyalaya,
Madurai, Madurai District.

2. The Principal,
Kendra Vidyalaya,
P.T.Rajan Road,
Narimedu,
Madurai-2.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents to give 1st Standard admission to the petitioner's daughter at the 2nd respondent school based on his admission application, dated 06.03.2015.

For Petitioner : Mr.N.Anantha Murugan

For Respondent No.1 : Mr.Aayiram K.Selvakumar

For Respondnet No.2 : No appearance

ORDER

This writ petition has been filed by Mr.S.Lingarasu for seeking a writ of mandamus, directing the respondent herein to give 1st Standard admission to the petitioner's daughter at the second respondent school, based on his admission application, dated 06.03.2015 on the ground that the second respondent has properly failed to consider the request of the petitioner for his daughter's 1st standard admission.

2.A perusal of the affidavit filed in support of the writ petition has not shown any minimum information on what basis, the second respondent failed to consider the request of the petitioner for admission of his daughter. Secondly, when the petitioner comes to this Court seeking admission in the second respondent school, Kendra Vidyalaya School, Narimedu, he has specifically taken a point that there are some irregularities committed by the



respondents and their staffs with regard to the admission for the academic year 2015-2016, but it is not made known what are the irregularities committed by the respondents and their staffs, affecting the case of the petitioner, seeking admission in the second respondent school. Thirdly, the petitioner has not made out any case to issue a direction against the respondents to grant of admission to first standard for the petitioner's daughter. The learned counsel for the petitioner, merely on the basis of the judgment of Apex Court in the case of *Society for Unaided Private Schools of Rajasthan v. Union of India & another (2012) 6 SCC 1*, submitted that the petitioner's daughter has got right to free and compulsory education, when the said principle cannot be disputed by this Court.

3. From the records it is seen that the admission notice, dated 24.03.2015 issued by the Principal, Kendriya Vidyalaya for admission for first standard under RTE, for the academic year 2015-2016 is over, after admitting 40 students. Therefore, there was no vacancy for the academic year 2015-2016.

4. This Court is not able to find any justification to direct the respondent to give admission to the petitioner's daughter for the academic year 2015-2016, when the academic year for admission was already over. Therefore, the prayer in the writ petition cannot be considered in favour of the petitioner and the writ petition fails. Accordingly, the writ petition is dismissed. No cost.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Chairman of Kendra Vidyalaya,
Madurai, Madurai District.
2. The Principal,
Kendra Vidyalaya,
P.T.Rajan Road,
Narimedu,
Madurai-2.

AM

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