

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.13957 of 2015
Decided on : 15.10.2015**

Mohinder Kumar

... Petitioner

Versus

Kendriya Vidyalaya Sangathan and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. N.P. Mittal, Advocate
for the petitioner.

Mr. Aman Chaudhary, Advocate
for the respondents.

G.S. Sandhawalia , J. (Oral)

Petitioner is an employee of the respondent No.4-school and is aggrieved against the non-grant of admission in Class-I to his son Master Narinder Kumar as per communication dated 24.06.2015 (Annexure P-7).

The reasoning given by the School Principal is that as per Para 6 of the Admission Guidelines employees having facilities of fee reimbursement in their department cannot claim concession under the Right to Education Act, 2009. The said decision was taken on the basis of advise sought on 10.04.2015 (Annexure R-3) from respondent No.3-regional office. The regional office vide communication dated 24.04.2015 had communicated to the respondent-school that the employees who have the facility of fee reimbursement in their department cannot claim RTE Concession.

The issue solely arises is that which is not disputed is that the petitioner could only claim reimbursement of fee for two children as per the prevalent policy and therefore he would not be granted the reimbursement for the third child. In such circumstances, whether there would be any bar to his application under the Right to Education Act.

Counsel for the petitioner submits that on clarification sought from the respondent-school to the said query which had been put to him on the earlier date, he has received a response from the Head Office of the Regional Office on 14.10.2015 in the negative, which has been placed on record.

In such circumstances, the present writ petition is allowed. The said order is set aside. The son of the petitioner Master Narinder Kumar is allowed to be admitted in Class-I as per the interim order passed dated 22.07.2015 by this Court which is duly confirmed and he will be granted the benefits of education under the Right to Education Act, 2009.

OCTOBER 15, 2015
Naveen

(G.S. SANDHAWALIA)
JUDGE