

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.18797 of 2015

V.Gnanasekaran

.. Petitioner

Vs.

1. The Chief Educational Officer,
DPI, College Road,
Nungambakkam, Chennai-15.

2. The Principal,
Gurunanak Matriculation Hr. Sec. School,
Velachery Main Road, Velachery,
Chennai-42.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct both the respondents to consider the petitioner's representation, dated 02.06.2015 to select the petitioner's child under 25% category in the School.

For Petitioner : Mr.A.Muruganandam

For Respondents: Mr.P.Sanjay Gandhi, Addl.G.P. for R-1
M/s.Gupta and Ravi for R-2

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct both the respondents to consider the petitioner's representation, dated 02.06.2015 to select the petitioner's child under 25% category in the School.

2. It is averred by the petitioner in the affidavit filed in support of the Writ Petition that his son G.Kumaravel was admitted in LKG--A Section in the second respondent-School during academic year 2014-2015. His son complied with all the eligibility criteria under 25% reservation, but the second respondent did not consider to admit his child under quota available for weaker sections and disadvantaged groups in private non-minority unaided schools, as per the provisions of the Right of Children to Free and Compulsory Education Act. Though his son was promoted to UKG, the second respondent-School

rejected the request of the petitioner to admit his son in the said quota. Hence, the petitioner made a representation to the first respondent on 02.06.2015 to consider admission of his child under the provisions of the said Act. Since the first respondent has not taken any steps to consider the said representation, the petitioner has filed this Writ Petition for the above relief.

3. The second respondent-School filed counter affidavit, denying the averments of the petitioner, inter-alia stating that the writ petitioner's residence is situated beyond two kilometers from the second respondent-School, which is situated in Velachery. It is further stated that the School authorities admitted 29 children at the entry level belonging to the disadvantaged groups and weaker sections for the academic year 2014-2015. It is also their main stand that under Section 10 of the said Act, it is the duty of the parent or guardian to admit or cause to be admitted his or her child or ward, as the case may be, to an elementary education in the neighbourhood School.

4. Heard the learned Additional Government Pleader appearing for the first respondent on the above aspects.

5. Irrespective of the above submissions made by both sides, I am of the view that the above said representation dated 02.06.2015 pertains to academic year 2014-2015 for UKG and hence, the prayer in the Writ Petition has become infructuous. Hence, the prayer of the writ petitioner cannot be entertained in respect of the present academic year 2016-2017. However, the petitioner is at liberty to give a fresh representation to the second respondent-School in respect of his son's admission for academic year 2016-2017, along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order and if any such representation is preferred by the petitioner, the second respondent-School shall consider the same and pass appropriate orders, on merits and in accordance with law, within a period of two weeks from the date of receipt of such representation.

6. With the above observations and directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

CS

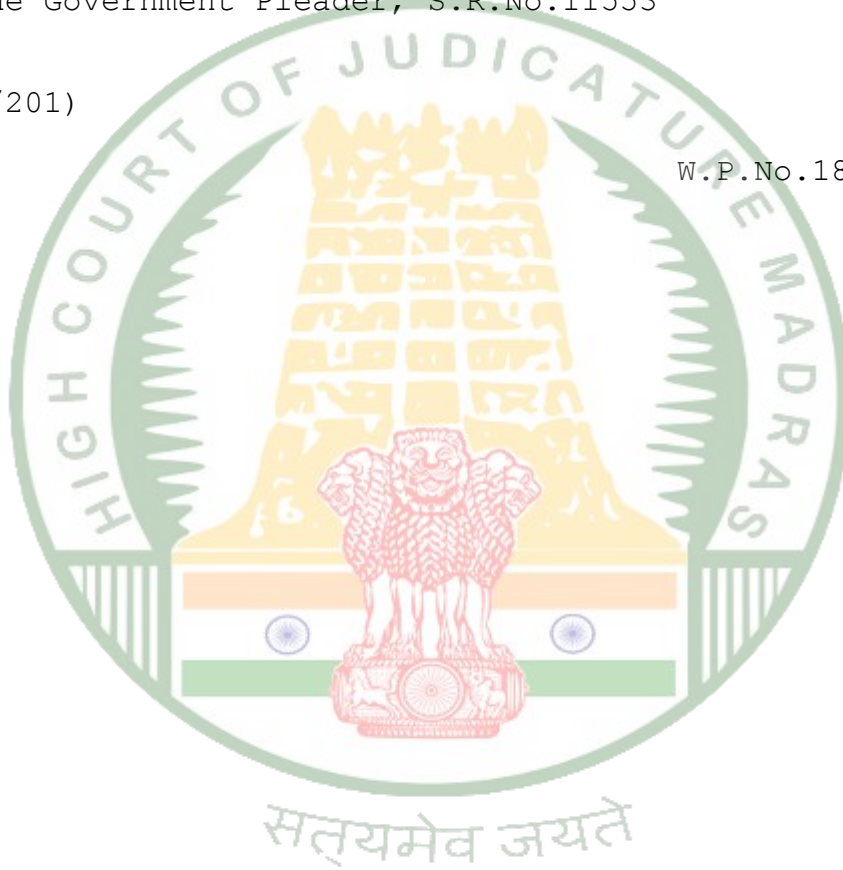
TO

The Chief Educational Officer,
DPI, College Road,
Nungambakkam, Chennai-15.

+1cc to Mr.A. Muruganandam, Advocate, S.R.No.1466
+1cc to M/s. Gupta & Ravi, Advocate, S.R.No.11469
+1cc to the Government Pleader, S.R.No.11553

TEJ(CO)
EU(26/0ss/201)

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