

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.09.2017

Coram

THE HON'BLE MR.JUSTICE RAJIV SHAKDER
&
THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.A.No.1060 of 2017
and
C.M.P.No.14874 of 2017

S.K.Logesh Kumar (Minor)
Rep. By Father-Natural Guardina
Dr.M.Saravana Kumar.

... Appellant

Vs.

1.The Principal,
Sainik School,
Amaravathi Nagar,
Udumalpet Taluk
Tirupur District - 642 102.

2.The President, Medical Board,
Command Hospital,
Southern Command,
Wanowire, Pune - 411 040.

...Respondents

Writ Appeal filed under clause 15 of the Letters Patent, praying to set aside the order passed in W.P.No.13737 of 2017 dated 07.07.2017.

For Appellant : Mr.K.S.Narayanan

For Respondents : Mr.Su.Srinivasan

JUDGMENT

(Judgment of the Court was made by **RAJIV SHAKDER, J**)

1. As directed by us, in the previous order dated 21.09.2017, the first respondent has filed an affidavit. In the affidavit, what was indicated before us in the proceedings held on 21.09.2017, has been set forth.

2. We may, however, note that in the course of arguments, it was sought to be projected on behalf of the appellant that in the admission notice issued by the concerned School, the vacancies for class VI were shown as eighty (80), whereas, the affidavit filed today before us by the first respondent, which is dated 22.09.2017, shows the total number of vacancies is 110.

3. In response to this submission, the learned counsel for the respondents say that the vacancies shown in the admission notice were tentative, and because seats were available in the higher grade, more vacancies got created qua class VI.

4. Furthermore, counsel for the respondents, today, once again, emphasises the fact that the total sanctioned strength of the school is 655 which has been exhausted. We are also told, the Principal's discretionary

quota of five (5) seats, which falls within the total strength of 655 seats, also stands exhausted.

5. The submissions made on behalf of the respondents are taken on record.

6. In the circumstances, the assertion made on behalf of the appellant that he does not suffer from “knock knee” need not be examined any further, as it would be an exercise in futility. This aspect of the matter is kept open, so as to not foreclose any future probability of the appellant attempting to seek admission in Sainik Schools.

7. The Writ Appeal is, accordingly, closed. Consequently, connected pending application shall stand closed. There shall, however, be no order as to costs.

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(R.S.A.,J.)

(A.Q.,J.)

22.09.2017

Index : yes/no

vsm

RAJIV SHAKDER, J.

and

ABDUL QUDDHOSE, J.

vsm



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