

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.5936 of 2017

ORDER:

The petitioner claims to be a registered association functioning for the welfare of its member institutions, which are running schools. The 3rd respondent issued notification on 16.01.2017 for the academic year 2017-18 for Model Schools situated in Telangana State from the eligible candidates for admission to Class VI and for leftover seats in Class VII to X. The date of examination is stated to be 26.02.2017. The present Writ Petition is filed challenging the said notification as contrary to Section 2(O) and Section 13 of the Right to Education Act 2009 and also in violation of Article 21-A of the Constitution of India. The petitioner also states that the 4th respondent issued a separate notification for Combined Entrance Examination for admission for the academic year 2017-18 for admission to Gurukul Schools for S.C., S.T., and B.C. students. The date of such admission test was mentioned as 09.04.2017. The said admission test is also challenged on the same lines. In para-6 of the affidavit filed in support of the Writ Petition, the definition of elementary education, screening procedure and prohibition on collection of capitation fee are extracted.

It is stated that bright students who become eligible in the entrance test will leave the institutions of the petitioner member institutions and join the institutions run by respondents 3 and 4. He submits that the said choice of the students would adversely affect the interest of the members of the petitioner-association.

The Government set up Model Schools and Gurukul Schools in order to cater to the needs of the economically and socially weaker sections of the society and train bright students. The attraction of bright students and training them for their career prospects by imparting education on proper lines is a policy decision taken by the Government in order to encourage the students. If the members of the petitioner-association are running institutions, it is for them to attract the students. The ultimate choice is left to the students either to choose the institutions run by members of the petitioner-association or institutions run by respondents 3 and 4. When that choice is left open to the students, the grievance of the petitioner cannot be entertained and no Writ can be issued as sought for to the petitioner.

Writ Petition is accordingly dismissed at the admission stage.

Pending miscellaneous petitions, if any, shall stand closed.

No costs.

A. RAMALINGESWARA RAO, J

February 23, 2017
MRR