

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.11409 of 2018

and

W.M.P.Nos.13317 and 13318 of 2018

P.Rithika, Minor, rep. by
her father and guardian P.Praveen

.. Petitioner

Vs.

1. Union of India, rep. by its Secretary,
Ministry of Human Resource and Development,
School Education Department,
Shastri Bhavan,
New Delhi.

2. The Deputy Commissioner,
Kendriya Vidyalaya Sankathan,
Regional Office,
I.I.T Campus, Chennai-600 036.

3. The Principal,
Kendriya Vidyalaya School,
Dr.Natesan Salai,
Ashok Nagar,
Chennai-600 083.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the third respondent to admit the petitioner in 1st Standard in the Scheduled Caste quota for the academic year 2018-2019 under the Right to Education category in the third respondent School.

For petitioner : Mr.R.Saravanakumar

For respondents : Mr.M.Vaidhyanathan for RR-2 and 3

ORDER

The petitioner has come forward with the above Writ Petition praying for issuance of a Writ of Mandamus to direct the third respondent to admit the petitioner in 1st Standard in the Scheduled Caste quota for the academic year 2018-2019 under the Right to Education category in the third respondent School.

2. The father of the petitioner has sworn to the affidavit filed in support of the Writ Petition stating that he has made an application online on 06.03.2018 for admission of his daughter in Kendriya Vidyalaya, by furnishing all the relevant details and uploaded the Caste Certificate, Distance Certificate and Birth Certificate. It is stated that his residence is within 1.5 km from Kendriya Vidyalaya School at Ashok Nagar, Chennai. The petitioner having satisfied all conditions, was expecting admission in the School, but unfortunately, without any transparency in selecting the student without any details, the petitioner has been deprived of his seat. According to the petitioner, the selection was made based on drawal of lots insofar as 25% of the seats under the Right to Education category is concerned. While releasing the list of 144 students, first 40 of them are shown as selected for admission. Two Schedule Caste candidates have been selected under the Service category. The petitioner's case is that he belongs to Scheduled Caste Community and that non-providing of seat to his daughter under the SC Category is illegal and that the Principal has committed mal-practice and accepted bribe, for which he was arrested on 10.04.2008 by the CBI and he was caught red-handed while taking bribe in the Government residential quarters near the compound of the School. The guidelines provide for 25% reservation for the Right to Education Category, out of which, 15% is reserved for SC candidates. The petitioner was informed that out of 1400 applications, 144 candidates are shown in the selection list, among whom, 40 are shown as selected, without any mention about the selection of the Scheduled Caste candidates and the dates under the Right to Education category. According to the petitioner, since he belongs to SC category, he ought to have been provided a seat.

3. The respondents 2 and 3 have filed counter affidavit, wherein it is stated that it is true that the petitioner has applied for a seat in the school and on 26.03.2018, there was drawal of lots online. The selection was conducted and shown to the parents who were present. The list was displayed on the same day in the Notice Board. The same was put up in the school web-site on 28.03.2018 after obtaining approval from the Chairman of VMC. Moreover, out of 24 SCs (15% of 160), 21 SCs under the Right to Education category and 1 SC under Physically Handicapped quota, have been selected. Hence, the names of the remaining 2 SC candidates (24-22) were displayed on the Notice Board.

4. Heard both sides and perused the materials available on record.

5. It is not in dispute that the petitioner has applied for a seat for his daughter under SC category. The total number of applications that have been received under SC category is 652 out of total 1569 applications received under SC, GEN (EWS), OBC (CL), OBC (NCL) and ST, with regard to the Right to Education category. The total number of applications received was 2545.

Out of 652 applications under SC category, sufficient candidates as required, had been selected and given seats. It is not as if the petitioner is the only person who is left out in the SC category. The respondents have followed necessary procedures in the allotment of seats. It may be unfortunate that the petitioner's daughter had not got a seat. It may be true that the erstwhile Principal was involved in the matter. That has got nothing to do with the selection of the candidates concerned. If bribe was received by the Principal, certainly he has to be taken to task, but that will no way hinder the admission in process that has already taken place and that he has nothing to do with the admission or non-admission of the candidates.

6. As there is transparency in selection and the whole procedure was photographed in front of the parents and was available for verification, which fact has not been disputed, more particularly this has been accepted, the contention that depriving of a seat to the petitioner/candidate, cannot by any stretch of imagination, be held to be bad. As stated supra, the School cannot admit all 2545 candidates who applied. Some may not be selected and in this case, the petitioner's daughter has not been selected, for which no animosity or motive can be made against the respondents.

7. Hence, the Writ Petition is dismissed. No costs. Consequently, W.M.P. is closed.

Sd/-

Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Ministry of Human Resource and Development,
School Education Department,
Shastri Bhavan,
New Delhi.

2. The Deputy Commissioner,
Kendriya Vidyalaya Sankathan,
Regional Office,
I.I.T Campus, Chennai-600 036.

+1cc to Mr.M.Vaidhyanathan, Advocate sr.no.51168
+1cc to Mr.R.Saravanakumar, Advocate sr.no.51307

W.P.No.11409 of 2018

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nr 14/08/2018



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