

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2018

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.23774 OF 2018

S.Bharath (Minor)
rep. by father and natural guardian
R.Subramanyam

.. Petitioner

-vs-

1. Union of India
rep. by the Deputy Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office IIT Campus,
Chennai-600 036.
2. The Principal,
Kendriya Vidyalaya,
Gandhi Nagar, Tiruvannamalai Town,
Tiruvannamalai.
3. The Commissioner,
Kendriya Vidyalaya Sangathan,
Shaheed Jeet Singh Marg,
No.18, Institutional Area,
New Delhi-110 016.

... Respondents

(The 3rd respondent is suo motu impleaded by
this Court)

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents 1 and 2 to admit the petitioner in the Class XI (Group-II) in the 2nd respondent school for the academic year 2018-2019.

For Petitioner :: Mr.M.Sridhar

For Respondents 1 and 2 :: Mr.M.Vaidhiyanathan,
Standing Counsel

ORDER

Master S.Bharath (Minor) represented by his father and natural guardian Mr.R.Subramanyam has filed this Writ Petition seeking to issue a Writ of Mandamus, directing the respondents 1 and 2 to admit him in the Class XI (Group-II) in the 2nd respondent school for the academic year 2018-2019.

2. Learned Counsel appearing for the petitioner would submit that the petitioner's father joined the Indian Army in the year 1998 and after serving 17 long years for this Country, he got retired in the year 2015. Thereafter, he has been residing permanently at No.33, Bonthaiyar Kovil, Saron Post, Melathikkan, Tiruvannamalai District. The learned Counsel would further submit that the minor petitioner has studied in the Kendriya Vidyalaya, Gandhi Nagar, Tiruvannamalai Town, Tiruvannamalai, the 2nd respondent herein from first Standard onwards and he also qualified in CBSE 10th Examination, 2018 by securing Grade D2. Thereafter, the petitioner's father requested the Principal of the Kendriya Vidyalaya, the 2nd respondent herein to admit his son in Class XI in the academic year 2018-2019, but the said request was refused. The petitioner's father has also submitted a representation on 13.08.2018 to the 2nd respondent herein requesting him to admit his son in Class XI in Group I or II. But the second respondent neither accepted his request nor declined. Therefore, the petitioner has been advised to come to this Court.

3. Arguing further, it is stated by the learned Counsel for the petitioner that although the petitioner failed in the X Standard Examination, thereafter, he has immediately availed the Compartmental Examination Scheme announced by the Central Board of Secondary Education and passed the examination on 09.08.2018. Immediately within four days, namely, on 13.08.2018, the petitioner's father made an application before the 2nd respondent on 13.08.2018. But, merely for the reason that the petitioner's father has not made an application on or before 30.07.2018, his request was refused, as a result, his son is not able to continue his XI Standard in the 2nd respondent School.

4. At this stage, the learned Standing Counsel appearing for the respondents 1 and 2 submitted that the only competent authority for considering the request of the petitioner's father to admit his son in the 2nd respondent school is only the Commissioner of Kendriya Vidyalaya Sangathan, Shaheed Jeet Singh Marg, No.18, Institutional Area, New Delhi, who has not been impleaded as one of the respondents in the Writ Petition. However, the learned Standing Counsel further submitted that as the minor petitioner has passed the X Standard on 09.08.2018 in Compartmental Examination, no prejudice would be caused to anyone, if a direction is given to the Commissioner of Kendriya Vidyalaya Sangathan, Shaheed Jeet Singh Marg, No.18, Institutional Area, New Delhi to consider the case of the minor petitioner to admit him in XI standard in the 2nd respondent School.

5. Heard the submissions made on either side. I have also perused the materials available on record carefully.

6. At the outset, the facts that the minor petitioner S.Bharath has pursued his studies from Class I to X in Kendriya Vidyalaya, Gandhi Nagar, Tiruvannamalai Town, Tiruvannamalai, the 2nd respondent and he passed the X standard only in the compartmental examination held on 09.08.2018 and thereafter, stating the same, his father made an application on 13.08.2018 to the 2nd respondent requesting him to admit his son in XI Standard in his school in Group I or II are not in dispute. Since now it is stated by the learned Standing Counsel for the respondents 1 and 2 that the Commissioner of Kendriya Vidyalaya Sangathan, Shaheed Jeet Singh Marg, No.18, Institutional Area, New Delhi-110 016 is only the competent authority to consider the case of the petitioner, the Commissioner is suo motu impleaded as 3rd respondent in the writ petition.

7. Considering the above facts and circumstances, besides the fact that the petitioner's father has served in Indian Army for 17 long years, this Court has no hesitation to direct the Commissioner of Kendriya Vidyalaya Sangathan, Shaheed Jeet Singh Marg, No.18, Institutional Area, New Delhi-110 016, to consider the request of the petitioner's father in his application dated 13.08.2018 to admit his son/minor petitioner in XI Standard in the 2nd respondent School, namely, the Kendriya Vidyalaya, Gandhi Nagar, Tiruvannamalai Town, Tiruvannamalai for the academic year 2018-2019 forthwith, for the reason that the student has passed the X Standard on 09.08.2018 in compartmental Examination and made an application on 13.8.2018 to admit him in XI Standard in the 2nd respondent school.

8. With the above observation and direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS vi)

//True Copy//

Sub Assistant Registrar

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To

1.The Deputy Commissioner,
Union of India,
Kendriya Vidyalaya Sangathan,
Regional Office IIT Campus,
Chennai-600 036.

2. The Principal,
Kendriya Vidyalaya,
Gandhi Nagar,
Tiruvannamalai Town,
Tiruvannamalai.

3. The Commissioner,
Kendriya Vidyalaya Sangathan,
Shaheed Jeet Singh Marg,
No.18, Institutional Area,
New Delhi-110 016.

+1cc to Mr.M.Sridhar , Advocate SR.No. 76353

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ASK(09/11/2018)



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