



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) .No.12834 of 2018

and

W.M.P (MD) .No.11705 of 2018

Minor Sadhana

Represented by her natural guardian and father

B.Shivkumar

... Petitioner

vs.

1. The Regional Officer

Central Board of Secondary Education

No.3, Old No.1630-A

J Block, Annanagar West

16th Main Road, Chennai

2. The Principal

Kendriya Vidyalaya

No.I, Ordinance Factory

Trichy 18

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the second respondent herein to admit his daughter Sadhana into 1st Standard for the academic year 2018-2019 bearing I.D.No.28014380856 within the time fixed by this Court.

For Petitioner : Mr.C.Gangai Amaran

For R-1 : Mr.N.Shanmuga Selvam

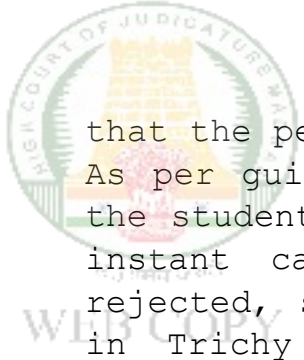
Central Government Standing Counsel

For R-2 : Mr.E.T.Rajendran

O R D E R

This petition has been filed for directing the second respondent herein to admit the petitioner into 1st Standard for the academic year 2018-2019 bearing I.D.No.28014380856.

2.The ground on which the petitioner's request for admission in first standard in the second respondent school was rejected is



that the petitioner is residing more than 5 km away from the school. As per guidelines for admission to the second respondent's school, the student must reside within 5 km radius from the school. In the instant case, the petitioner's request for admission has been rejected, since the petitioner is residing at Melakalkandar Kottai in Trichy District which is more than 5 km from the second respondent school.

3.The learned counsel for the petitioner has relied upon the rental agreement dated 01.09.2017, in which, he stated that he is residing at Navalpattu which is less than 5 km from the second respondent school and as such the petitioner is entitled for the admission.

4.The learned Standing Counsel for the second respondent on the other hand stated that in the application seeking for admission submitted by the petitioner, he had mentioned his residence to be at No.10, Alagiri Street, Melakalkandar Kottai, Trichy-12 and he was not residing at Navalpattu. Since the petitioner's residence was in Melakalkandar Kottai, the second respondent had rightly rejected the petitioner's request for admission.

5.I have perused the application for admission submitted by the petitioner herein under RTE Act, wherein, the petitioner's address has been mentioned as No.10, Alarigi Street, Melakalkandar Kottai, Trichy -12. In view of the guidelines prescribed under RTE Act, the residential address of the applicant is said to be more than 5 km away from the second respondent school and as such I do not find any infirmity in the second respondent's action for rejecting the petitioner's application.

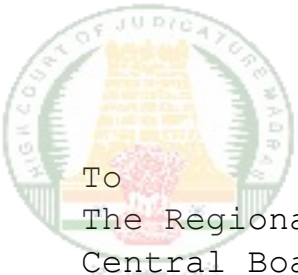
6.At this juncture, the learned counsel for the petitioner submitted that the petitioner's present residential address is less than 5 km away from the second respondent school. In fact, the petitioner has recently shifted his residence within 5 km from the second respondent's school. While that being so, it is open to the petitioner to make a request for admission for the next academic year before the second respondent school, if he chooses to do so.

7.With the above observations, this Writ Petition stands closed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(WRITS)

/True Copy/



To
The Regional Officer
Central Board of Secondary Education
No.3, Old No.1630-A
J Block, Annanagar West
16th Main Road, Chennai

+1 CC to Mr.C.GANGAI AMARAN, Advocate in SR.No.72432
+1 CC to Mr.E.T.RAJENDRAN, Advocate in SR.No.72411

MSA
RJ/PN/SAR-3/24/07/2018 - 3P/4C

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