



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

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W.P. (MD) No.14056 of 2018

Minor K.T.Shreeram
Represented by his father and
Natural Guardian N.Kannan

... Petitioner

vs.

The Principal,
Kendriya Vidyalaya,
Gandhigram,
Dindigul - 624 302,
Dindigul.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to provide admission for the petitioner's minor son K.T.Shreeram in Class XI (Bio-Mathematics or Computer Science), Session 2018 - 2019 in Kendriya Vidyalaya, Gandigram, Dindigul on the basis of petitioner's representation dated 25.06.2018.

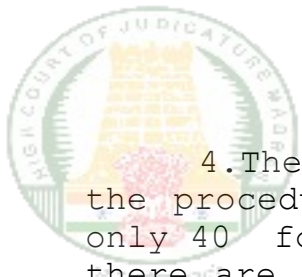
For Petitioner : Mr.D.Shanmugaraja Sethupathi
For Respondent : Mr. E.T.Rajendran

ORDER

The petitioner, who passed 10th Standard examination by scoring 52.5%, has been denied admission to the Class-XI in the respondent's School. Challenging the same, the present writ petition has been filed.

2. The learned counsel for the petitioner submitted that the respondent is not justified in not admitting the petitioner to XI-Standard. According to him, there are only 42 students studying in Class-XI and that there is no bar for admitting the petitioner. The learned counsel for the petitioner also submitted that the cut off marks of 60% prescribed in the guidelines for the science stream is arbitrary.

3. The learned counsel for the respondent submitted that the respondent herein is bound by the guidelines prescribed for the admission to Class- XI. According to him, the petitioner having scored less than 60%, is not entitled for admission in view of Clause-8 of the guidelines for the admission in respect of the academic year 2018-2019. He further submitted that the Deputy Commissioner has further reduced the cut off marks from 60% to 55%.



4.The learned counsel also submitted that as per Clause-9 of the procedure of admissions in Class-XI, the students' strength is only 40 for which, the Principal of the school is authorised. Since there are already 42 students studying in the school and the extra two students have been admitted through a Special Category, the Principal does not have the power to admit the petitioner herein in Class XI, above this strength also.

5. I have carefully considered the submissions made by the respective learned counsels.

6.The guidelines for admission in the Kendriya Vidyalayas for the academic year 2018-2019 has been produced before this Court. Insofar as, Clause-9 of the said guidelines is concerned, a mere reading of the said Clause indicates that the guidelines spelt out therein is not mandatory in nature, but only directory. Though the guidelines prescribe a minimum cut off marks of 60% in aggregate of all subjects for admission to the science stream of Class XI, discretion has been given to the Deputy Commissioner of the Region to lower the eligible criteria for the admission as indicated therein. It cannot be said that such minimum cut off marks prescribe is binding on the respondent for the purpose of admitting the students to the XI Standard. As a matter of fact, the Deputy Commissioner has also exercised his jurisdiction and had reduced the cut off marks from 60% to 55%. Insofar as, the Class strength for the XI Standard is concerned, Clause 5 of the guidelines empowers the Principal to admit 40 students upto 30th June for the Class-XI. This guideline is also directory in nature. It is seen that when an admission is sought for by the parents, who are being transferred, the strength of the students in classes has been extended to 55. Even when the class strength reaches 55 and situation arises whether additional admissions has to be made, the Principal has been empowered to increase the number of students from 55 by opening additional sections.

7.Apart from this, when the minimum categories prescribed at Clause-9 is found to be not mandatory in nature, the respondent ought to have been exercised their options and admitted the petitioner to the Class-XI and by not doing so, the present submission that students strength has reached upto 40 and therefore, they are unable to accommodate the petitioner, is not proper.

8.In the result, I am of the view that the petitioner is entitled to continue his education in the respondent's school in Class-XI in the academic year 2018-2019. Hence, there shall be a direction to the respondent to admit the petitioner namely K.T.Shreeram, S/o.N.Kannan in Class-XI (Bio-Mathematics or Computer Science), sessions for the academic year 2018-2019, atleast within a period of one week from the date of receipt of a copy of this order.



9. Accordingly, this Writ petition is disposed of.

Sd/-

Assistant Registrar (CS-I)

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Sub Assistant Registrar (CS-IV)

+1CC to Mr.E.T.Rajendran Advocate in SR.No.76433.

+1CC to Mr.D.Shanmuga Sethupathi Advocate in SR.No.76431.

DAS

DS/SKN-RSK/SAR-4 :03.08.2018: 3P/3C

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