

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1580 of 2019**

- Degree Prasad Chouhan S/o Shri Gulap Chouhan Aged About 38 Years R/o Village- Baradoli, Police Station And Tehsil- Pussore, District- Raigarh, Chhattisgarh, Present Address-Puri Bagicha, Madhubanpara, Raigarh, District- Raigarh, Chhattisgarh

---- Petitioner**Versus**

1. Union Of India Through- Its Secretary, Ministry Of Department Of Human Resource, Department Of Education, Shahid Jeet Singh Marg, New Delhi- 11016
2. Kendriya Vidyalay Sangathan Through Its Chairman, 18, Institutional Area, Shahid Jeet Singh Marg, New Delhi-110016
3. Deputy Commissioner, Kendriya Vidyalaya Sangathan, Raipur Regional Office, Campus Sector-4, Dindayal Upadhyay Nagar, Raipur, 492010, Chhattisgarh
4. Principal, Kendriya Vidyalaya Sangathan, Raigarh, Near Circuit House Raigarh, Chhattisgarh
5. Collector, Raigarh, District- Raigarh, Chhattisgarh

---- Respondents

For Petitioner	:	Ms. Rajni Soren, Advocate
For Respondents/State	:	Shri Rahul Jha, GA
For Respondent No.2 & 4	:	Ms. Deepali Pandey, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****14/05/2019**

1. Heard.
2. The instant petition is filed on the ground that for the son of the petitioner, he

applied for selection for admission in Class-I at Kendriva Vidyalaya, Raigarh for the Session 2019-20. The name of the son of the petitioner is Aniruddha Mudrarakshyas Chouhan. It is stated that he has been denied a fair opportunity for selection. It is further contended that after completion of the on-line registration process on 07.03.2019, the petitioner was unable to select the option of Economically Weaker Section (EWS). It is stated that the son of the petitioner belongs to Scheduled Caste Category. Subsequently, the provisional list of selected candidates was declared on 26.03.2019 and though it was informed that three lists would be declared on 26.03.2019, 09.04.2019 and 23.04.2019, however, the list dated 26.03.2019 was made final and on 30.04.2019 the admission was closed. It was further stated that few of the students were elected for the different categories i.e. more than one category was selected, as such their names appeared in the different category simultaneously, whereby the actual persons, who were entitled for the respective category were deprived. It is further stated that as per the guidelines 15% seats has to be reserved for the SC category and total number of seats is 80, therefore, 12 seats ought to have been reserved for the SC category, however, only 8 candidates have been selected under the SC category. Therefore, in complete arbitrariness, the selection was made. Learned counsel for the petitioner would submit, therefore, the petitioner's son since he was deprived of his right to get admission, he may be admitted to the school.

3. The reply filed by respondent No.2 & 4 has been perused, wherein it is stated that the process of selection into admission to Class-I is done after submission of application through on-line. Thereafter by lottery the students are admitted.

It is stated that the names are being selected by lottery system, which is conducted by IIT, Mumbai. It is further stated that 81 seats were to be filled out of 309 candidates, who had applied under EWS/BPL category. It was further stated that since the applicant applied under the SC category, his name as was selected in post lottery was placed at serial No.38, which includes SC, ST, OBC (non creamy layer) EWS/BPL. It is further stated that since the name of the son of the petitioner was at serial no.38 down below the list to RTE category, he would not be entertained as the RTE category includes all form of students. It is further stated that out of total 12 seats of S.C. category, 8 seats were for S.C. (creamy layer) and 4 seats were for SC (RTE) i.e. Right to Education. Since 4 candidates of this category were provisionally selected under RTE, the remaining 8 candidates were provisionally selected under SC category. It is further stated that the son of the petitioner was at serial No.38, as such as per the lottery the name could not be selected.

4. Perused the documents filed along with the petition.
5. The present selection pertains to selection of S.C. category. The RTE Category as has been stated that includes the S.C, S.T. and also includes right to education category and out of total 12 seats 8 seats are for S.C. (creamy layer) and 4 seats were for SC (RTE) (non creamy layer). Since the name of the petitioner's son as per the list shows that he was placed at serial No.38, which is a post lottery number and since the RTE category includes the S.C. both creamy and non creamy layer which has the total number 12, the petitioner's son having been placed at serial No.38 no right can mature for the selection made by the lottery system as son of the petitioner was much down below. The

contention of the petitioner has no force as the entire selection was made by lottery system which means a student has to depend upon his fate. The fate unfortunately having not supported and the petitioner participated in the selection process no fault can be attributed to the process. The propriety of a selection process may see another bout of litigation in future. Under the circumstances, no relief can be granted to the petitioner to get admission in Class-I.

6. In facts of case no relief can be granted to the petitioner. Accordingly it is dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu