

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.08.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN
Writ Petition No.23673 of 2019
and W.M.P.No.23514 of 2019

S.Rahul, Minor
Rep by his Father and Natural Guardian Mr.Sankar

.. Petitioner

/versus/

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

2.The Deputy Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office,
IIT Campus, Chennai-600 036.

3.The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office,
IIT Campus, Chennai-600 036.

4.The Principal,
Kendriya Vidyalaya,
Air Force Station (AFS),
Avadi, Chennai-600 055.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari Mandamus, to call for the records relating to the Endorsement made by the 4th respondent dated 02.08.2019 in the order dated 25.07.2019 passed by the 3rd respondent in S.170331/Admsn/2019-KVS (CHER)/4018, and quash the same and to direct the respondents to admit the petitioner in the XI standard in the 4th respondent School as per para-9 of Part -C Special provision) of KVS Admission Guidelines, 2019 for the academic year 2019-20.

For petitioner : Mr.M.MD.Ibrahim Ali
For Respondents : Mr.Vaidhiyanathan

O R D E R

Heard the learned counsel for the petitioner and the learned counsel appearing for the 2nd respondent.

2. The case of the petitioner is that Minor Rahul has secured 94% in X standard and a student of the Air Force School, Avadi. He has applied for admission in XI standard at Kendriya Vidyalaya under non Kendriya Vidyalaya student category. His application was not considered despite having secured good marks.

3. According to the petitioner as per Para 9 of Part-C Special provision of KVS Admission guidelines 2019, he is eligible to accommodate in Kendriya Vidyalaya School. Despite being eligible and secured good marks, the 4th respondent has not considered his application.

4. In the counter the 2nd respondent has stated that as per the guidelines Para 9 of Part C(b) priority should be given to the Kendriya Vidyalaya students. Only if the seats are unfilled the vacant seats can be given to non Kendriya Vidyalaya students. As far as the 4th respondent School is concerned 169 students of their own School had applied and out of 169 students 47 were given in A group (Biology) 55 in the Computer Science and 55 in Commerce, out of which, some of them did not join. In the entire class strength of 45 in Group A and 55 in Group B and 54 in Group C, none of the non Kendriya Vidyalaya students have been accommodated, The petitioner being a non Kendriya Vidyalaya student, they were not able to accommodate him, though he has secured more marks.

5. In the light light of the above contention it is necessary to refer Clause 9 of KVS guidelines which reads as below:-

"METHOD OF ADMISSIONS IN CLASS XI
KV Students:

Admissions in different streams viz Science, Commerce, Humanities of Class XI in KVs for KV students will be based on aggregate marks scored in class X exams as under:

1.Science Stream: A minimum of 60% Marks

in aggregate of all subjects.

2.Commerce: A minimum of 55% Marks in aggregate of all subjects.

3.Humanities Stream: All students of KV if declared successful in class X examination.

Note:- If seats remain vacant in class XI even after admitting the children of KV/neighboring KVs then the admissions to non-KV children may be granted on the same criteria, in the sequence of categories of priority.

However, there could be instances of lower enrollment in Class XI in some Kvs, especially those located in hard stations and remote areas after applying the above criteria for admission. In such an eventually, Principal of the KV concerned should send the proposal of lowering the eligibility criteria for various streams along with the details of registration, No.of eligible students, etc. to the Deputy Commissioner of the region. The Deputy Commissioner may use her/his discretion in lowering the eligibility criteria to the extent as indicated below.

KV Students:-

Admission in different streams viz Science, Commerce, Humanities of Class XI in KVs for KV students will be based on Marks scored in class X exams as under:

1.Science Stream: A minimum of 55% Marks in aggregate of all subjects.

2.Commerce: A minimum of 50% Marks in aggregate of all subjects.

3.Humanities Stream: All students of KV if declared successful in class X examination.

Note:- If seats remain vacant in class XI even after admitting the children of KV / neighboring KVs then the admissions to non-KV children may be granted on the same criteria, in the sequence of categories of priority."

6. From the above rule it is patent that the first preference must be given to the candidates of their own School and then the neighbouring KVs, only if any seats remain vacant after accommodating these two categories then the remaining seat can be allotted to non Kendriya Vidyalaya students.

7. The learned counsel for the respondents has given the list of candidates admitted in the 4th respondent School. From the list, this Court finds that except students from Kendriya Vidyalaya, Air Force School, Avadi, no other students given admission. Therefore, the students of priority group namely Kendriya Vidyalaya students alone been accommodated. The petitioners being a non Kendriya Vidyalaya student, his request to grant admission in XI standard is contra to Rule 9 and therefore, cannot be considered.

8. Hence, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

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+1cc to Mr.M.Vaidhiyanathan , Advocate SR.No. 73231

+1cc to Mr.M.MD.Ibrahim Ali , Advocate SR.No. 73192

W.P.No.23673 of 2019
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A.SK(24/09/2019)