

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 12.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE DR.G.JAYACHANDRAN

Writ Petition No.28363 of 2018

and

WMP.No.33075 of 2018

K.Yuvaraj

Petitioner

Vs

- 1.The Chairperson,
Tamil Nadu Commission for Protection of Child Rights,
183/1, E.V.R.Periyar Salai,
Kilpauk, Chennai- 600 010.
 - 2.The Director Elementary Education,
D.P.I. Compound,
College Road, Chennai 600 034.
 - 3.The Chief Educational Officer,
Thiruvallur District, Thiruvallur,
 - 4.The Principal,
Vellammal New Gen School,
No.19, Village Road,
Thiruvottiyur, Chennai- 600 019
- Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, issue writ of mandamus directing the fourth respondent to implement the Orders of the first respondent dated 11.06.2018 and 29.08.2018 for the grant of admission to petitioner's son Y.Lenin Elavarasan, aged 3 years 7 months in LKG under Section 2 (1) c of the Right of Children to free and Compulsory Education Act, 2009.

For petitioner : Mr.P.W.Jeyakumar Arul

For Respondent : Mrs.V.Annalakshmi
Government Advocate for R1 to R3
Ms.N.Rajasenthoo Pandian for R4.

ORDER

The petitioner seeks admission for his minor son in L.K.G in the institute run by the fourth respondent.

2. The Government as well as the institute has filed their counter. Wherein, it is stated that the institute has not so far been recognized as a school under RTE Act and their application is pending. It is also contended by

the learned counsel appearing for the fourth respondent/institute that even otherwise the petitioner herein will not be eligible to seek admission under Section 12 of the RTE Act, since he does not fall under the disability class.

3. However, the learned counsel appearing for the petitioner would submit that RTE Act is applicable to aided, unaided and non minority institutes. Therefore, the contention of the fourth respondent is untenable.

4. After hearing the rival submissions and perusal of the counter affidavits, it is very clear that as of now the fourth respondent/institute has not been recognized under RTE Act, and their application is pending with Government. Whether the institute will be recognized as a school under RTE Act or not is subject to outcome of the pending application before the State Government. While so, it is premature to direct the institute to admit the petitioner in his school as per the provision of RTE Act. Without ascertaining the status of the fourth respondent institute as well as the status of the petitioner to seek admission under disability quota.

5. Therefore, this Court finds that the contention of the petitioner herein cannot be entertained at this juncture. Hence, the writ petition is disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

sbn/rpl

To

1.The Chairperson,
Tamil Nadu Commission for Protection of Child Rights,
183/1, E.V.R.Periyar Salai,
Kilpauk, Chennai- 600 010.

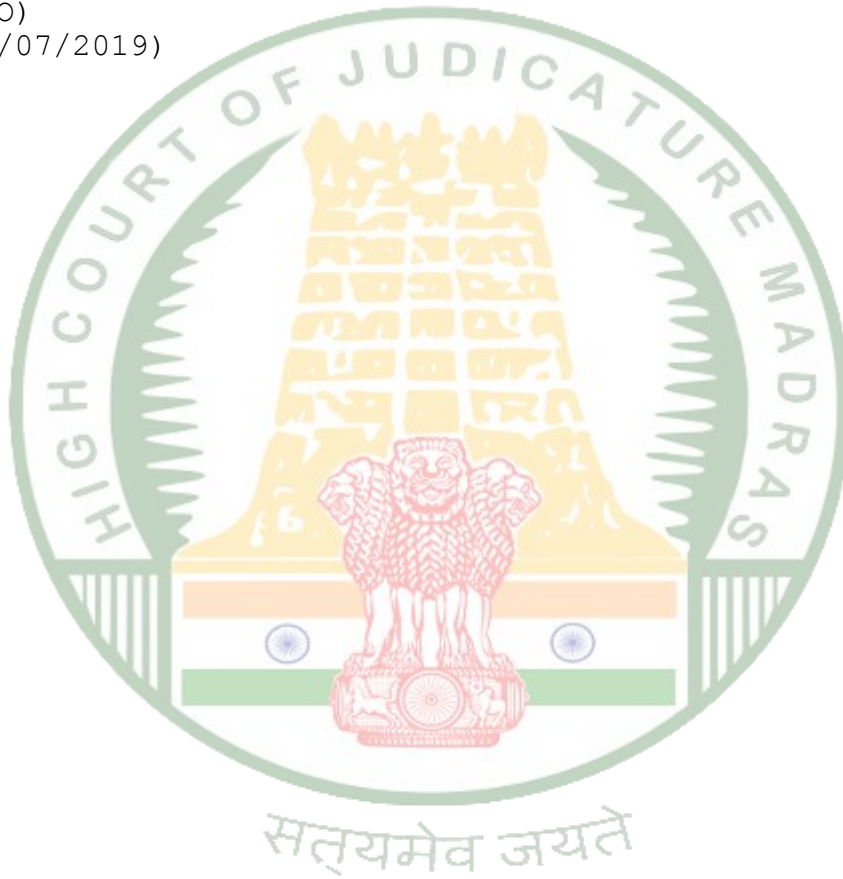
2.The Director Elementary Education,
D.P.I. Compound,
College Road, Chennai 600 034.

3.The Chief Educational Officer,
Thiruvallur District, Thiruvallur.

+1 cc to Government Pleader Sr.No. 48615
+1cc to Mr.Ckm Appaji , Advocate SR.No. 48194

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ss (CO)
A.SK(10/07/2019)



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