



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2019

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.13042 of 2019

S.Lalitha

...Petitioner

-Vs-

- 1.The Government of Tamil Nadu,
Rep., by its Secretary,
Education Department,
Chennai-2.
 - 2.The Director of Matriculation Schools Education,
DPI Campus,
College Road, Chennai-6.
 - 3.The Joint Director of Matriculation Schools Education,
DPI Campus,
College Road, Chennai-6.
 - 4.The Chief Educational Officer,
Office of the Chief Educational Office,
Tallakulam, Madurai District.
 - 5.The Principal,
TVS Matriculation Higher Secondary School,
TVS Nagar, Madurai District.
 - 6.The Principal,
KVT Matriculation Higher Secondary School,
B/33, Kaja Street,
M.K.Puram, Madurai District.
- ...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents 2, 5 and 6 to admit the petitioner's son S.Hariprasath in I Standard for the year 2019-2020 as per application dated 16.05.2019 under the quota of the Right of Children of Free and Compulsory Education Act, 2009 in the 5th and 6th respondent schools in view of G.O.Ms.No.180 dated 15.11.2011 within the time period stipulated by this Court.



For Petitioner : No appearance

For Respondents : Mrs.S.Srimathy (For R1 to R4)
Special Government Pleader
No appearance (For R5 and R6)

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ORDER

The prayer in this writ petition is for a Writ of Mandamus, to direct the respondents 2, 5 and 6 to admit the petitioner's son S.Hariprasath in I Standard for the year 2019-2020 as per application dated 16.05.2019 under the quota of the Right of Children of Free and Compulsory Education Act, 2009 in the 5th and 6th respondent schools, in view of G.O.Ms.No.180 dated 15.11.2011, within the time period stipulated by this Court.

2.When the case is called, no one is appearing for the petitioner. Despite notice has been served on the respondents 5 and 6 and their name has also been printed in the cause list, no one is appearing for the respondents 5 and 6.

3.The learned Special Government Pleader would submit that, the petitioner seeks admission for his son in the I standard for the academic year 2019-2020 either at the fifth or sixth respondents school under the quota of 25% as per Right of Children to Free and Compulsory Education Act, 2009 as well as G.O.Ms.No.180, Education Department, dated 15.11.2011.

4.As per the Government Order, the institution has to admit the student under the said quota only from the initial class. Herein the case in hand, both 5th and 6th respondents are conducting classes from kinder garden class i.e., LKG and the petitioner seeks admission for his son only at I standard and the direct admission in the I standard with the said quota cannot be granted.

5.In this regard, the learned Special Government Pleader relied upon a decision of this Court made in similar circumstances very recently i.e., on 13.06.2019 in W.P(MD).No.12560 of 2019, where I had an occasion to consider the similar issue and pass the following order :-

"4.I have heard the learned Special Government Pleader appearing for the respondents 1 and 2, who would submit that, under the Right of Children to Free and Compulsory Education Act,2009, especially, under Section 12 of the Act, admission can be made in the I standard i.e. beginning of the classes in any school, whether it is Government or Private aided or unaided. But, at the same time, the Government, pursuant to the Right of Children to Free and Compulsory Education Act, 2009, has



issued G.O.NO.66, School Education Department, dated 07.04.2017, where, it has been specifically mentioned as follows:

"The areas or limits or neighbourhood specified in sub-rule (1) of rule 4 of Tamil Nadu Right of Children to Free and Compulsory Education Rules, 2011 is a distance of one kilometer for classes LKG or I for the admissions made in pursuance of Clause (c) of sub-section (1) of section 12 of the Act."

5. In view of the same, if a school is having classes of kindergarten, admission shall be made from class LKG and if a school is having classes from I standard, admission has to be made from I standard.

6. Here, in the case in hand, according to the learned counsel appearing for the petitioner, 3rd respondent school is having kindergarten classes i.e. from LKG. Hence, the learned Special Government Pleader submits that, admission shall be made only in LKG. The students, who have been admitted in LKG will be given promotion to UKG and next year, they will be given further promotion to I Standard. Therefore, only the inmates of the school concerned i.e. the 3rd respondent school, would be admitted to I Standard. Therefore, there is no chance to give admission for outside students and they are not entitled to get the benefit under the Right of Children to Free and Compulsory Education Act, 2009 or the Government Order referred to above.

7. The learned Special Government Pleader also submits that, if at all the petitioner's daughter is to be admitted in the I standard in the neighbourhood school, there is a Government School called Government Elementary School, Anaiyur, where the petitioner is residing, where the classes are there from I standard and therefore, admission can be given to the daughter of the petitioner.

8. The said stand taken by the learned Special Government Pleader appearing for the official respondents has been considered and the said submissions made by the learned Special Government Pleader by quoting the relevant provisions of the Right of Children to Free and Compulsory Education Act, 2009 as well as the Government Order as referred to above, are appealing and therefore, the petitioner since wants admission for his daughter only in I standard, such admission under Right of Children to Free and Compulsory Education Act, 2009 cannot be compelled to be given in the 3rd respondent school, where the admissions are made from LKG i.e. kindergarten classes and no admission for outside students to be given in I Standard. When that



being the position, the prayer sought for in the writ petition for admission in I Standard to the daughter of the petitioner at the 3rd respondent school cannot be granted. But, at the same time, the petitioner's daughter can very well be admitted in the neighbourhood school in I Standard i.e. at Government Elementary School at Anaiyur.

9. In that view of the matter, this Court is inclined to pass the following order, by disposing this writ petition:

"The petitioner shall give application to the Head Master concerned of the Government Elementary School at Anaiyur immediately and on receipt of such application, admission shall be given to the petitioner's daughter viz. Baby Akshaya in I Standard at the Government Elementary School, Anaiyur for the academic year 2019-20."

10. With these observations and direction, this writ petition is disposed of. No costs."

6. After having gone through the facts of the present case, I am of the view that the said order passed in the aforesaid case is squarely applicable to the present facts of the case. Therefore, in that view of the same, the present prayer sought for by the petitioner, cannot be granted. At the same time, if at all the petitioner is interested to admit his son in any of the nearby or neighbourhood Government School, the said intention can be made to the concerned District Educational Officer immediately in writing and if any such application is made to admit the petitioner's son in any of the Government neighbourhood school in I standard for the academic year 2019-2020, the same shall be considered and admission can be granted depending upon the vacancy in the particular school.

7. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)



To

1.The Secretary to Govt. Of Tamil Nadu, Education Department,
Chennai-2.

2.The Director of Matriculation Schools Education, DPI Campus,
College Road, Chennai-6.

3.The Joint Director of Matriculation Schools Education,
DPI Campus,
College Road, Chennai-6.

4.The Chief Educational Officer,
Office of the Chief Educational Office,
Tallakulam, Madurai District.

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Order made in

W.P. (MD) No.13042 of 2019

Dated:24.06.2019

NA (29.07.2019) 5P :5C