

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1098 of 2020**

1. Minor Shirish Pathak S/o Shri Prabhash Pathak, Aged About 12 Years, Petitioner No. 1 Is Minor And Is Represented Through His Natural Father Shri Prabhash Pathak. R/o Rohinipuram Gate, Behind Ayurvedic College, G. E. Road, Raipur, Post- R.S. University, Police Station - Saraswati Nagar, Tehsil Raipur, District Raipur, Chhattisgarh
2. Prabhash Pathak S/o Shri Pandit Kanti Kumar Pathak, Aged About 48 Years, Occupation - Journalist (Press Reporter). R/o Rohinipuram Gate, Behind Ayurvedic College, G. E. Road, Raipur, Post- R.S. University, Police Station - Saraswati Nagar, Tehsil Raipur, District Raipur, Chhattisgarh

---- Petitioners

Versus

1. Union Of India Through Secretary, Ministry Of Human Resources Development, Department Of School Education And Literacy, Room No.429-A, C Wing, Shastri Bhawan, New Delhi
2. State Of Chhattisgarh Through Secretary, School Education Department, Mahanadi Bhawan, Atal Nagar, Naya Raipur, Revenue And District Raipur, Chhattisgarh
3. District Education Officer Raipur, Revenue And District Raipur Chhattisgarh
4. Nodal Officer Mayaram Surjan, Government Girls Higher Secondary School, Choubey Colony, Raipur, Revenue And Civil District Raipur Chhattisgarh
5. Collector, Raipur, Revenue And District Raipur, Chhattisgarh
6. Rajkumar College Through Its President, Managing Committee, G.E. Road, Raipur, Revenue And Civil District Raipur, Chhattisgarh

7. Principal, Rajkumar College, G.E. Road, Raipur, Revenue And Civil
District Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Soumitra Kesharwani, Advocate
For State	:	Ms. Sunita Jain, Govt. Advocate
For Respondents 6 & 7	:	Mr. Abhishek Sinha, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

08.06.2020

1. The petition has been filed seeking for a direction to the respondents to grant admission to petitioner no.1 under the respondents 6 & 7 institution.
2. At the outset, this Court is of the opinion that the petition seems to be misconceived for the reason that in 2014, the petitioner no.1 was granted admission to Class Vth under the provisions of RTE Act. However, subsequently, on an enquiry, it was found that the petitioner no.1 does not come under the category of 'below the poverty line' for getting admission under the RTE Act. The admission granted to petitioner no.1 in Class Vth in 2014, therefore, stood cancelled.
3. The cancellation of admission was subjected to challenge vide WPC No. 1811/2014 which got dismissed on 25.03.2015. Against this, the petitioners approached the writ appellate Court vide Writ Appeal No. 242 of 2015 and the said writ appeal also got dismissed on 23.06.2015. It has been informed that subsequently, an SLP was also preferred before the Supreme Court which too got dismissed.
4. Though the writ appeal got dismissed in June 2015, it appears that for

the next five years, the petitioner no.1 has not studied anywhere else and kept on his insistence for getting admission under the respondents 6 & 7 institution which sounds so illogical and that the petitioner does not seem to be interested in studies but the petitioners are more interested only in getting admission under the respondents 6 & 7 institution by any means.

5. For the reason that the petitioner no.1 has not made any effort in getting education for the last about 5 years time. This Court hence finds it difficult to issue any direction to the respondents 6 & 7 for grant of admission to the petitioner no.1 at this juncture in Class 5th considering the huge gap of 5 years that has taken place in between and during this period the petitioners have never approached the Court for any direction to be issued to any of the respondents.
6. At this juncture, counsel for the petitioners prays that at least the respondents 6 & 7 be directed to release the transfer certificate to the petitioner no.1.
7. Since that is not the prayer made in the present writ petition, the petitioners would be at liberty to approach the respondents 6 & 7 by moving a specific application for issuance of transfer certificate which the respondents 6 & 7 may provide in accordance with the rules governing the institution.
8. Accordingly, the writ petition stands dismissed.

Sd/-
P. Sam Koshy
Judge