

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH  
and  
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.No.10217 of 2020 &  
WMP.No.12425 of 2020

Popular Front of India,  
Rep. by its State Secretary,  
Mr.J.Mohamed Rasin,  
Having Office at  
No.33/2, 3rd Floor,  
Mookkaathaal Street,  
Purasawalkam, Chennai - 600 007. .. Petitioner

-Versus-

- 1.The Chief Secretary to Government,  
Government of Tamil Nadu,  
Secretariat, Chennai - 9.
- 2.The Principal Secretary to Government,  
School Education Department,  
Secretariat, Chennai -9.
- 3.The Director of School Education,  
DPI Compound, College Road, Chennai - 34.
- 4.The Director of Elementary Education,  
DPI Compound, College Road, Chennai - 34.
- 5.The Director of Matriculation  
School Education,  
DPI Compound, College Road,  
Chennai - 34. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to release the time table and procedure for admission under the Right of Children to Free and Compulsory Education Act, 2009 for the academic year 2020-2021 and widely publish the same in the public domain by considering

the petitioner's representation dated 22.07.2020 within time frame fixed by this Court.

For Petitioner .. Mr.I.Abdul Basith

For Respondents .. Mr.M.Elumalai, AGP for R1

Mr.C.Munuswamy, Spl. G.P  
for RR2 to 5

#### ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

This writ petition has been filed by the petitioner by way of Public Interest Litigation seeking direction to the respondent to elicit the Time-Table and the Procedure for admission of the students under the Right of Children to Free and Compulsory Education Act, 2009 for the academic year 2020-21 by making wide publicity.

2. The learned counsel appearing for the petitioner submitted that though the time-table has been published, there is nothing to substantiate the due publication and setting up of the Monitoring Committee. Reliance has been made on the judgement of the Division Bench of this Court in W.P.No.14616 of 2015 dated 06.07.2015 [Change India ( A Centre for Advocacy and Research) v. State of Tamil Nadu] with specific reference to paragraphs 2 and 5 which read as follows:-

"2. In furtherance of the methodology to ensure 100% admissions in those categories, the following steps are stated to have been taken:-

"i. Wide publicity was given in all schools by displaying a banner with all information about the admission including total intake capacity and the number of seats under the 25% reservation near the school entrance.

ii. The total intake capacity and number of seats under 25% reservation in entry level class of each and every school in the district was displayed in the Notice Board of the District Level and Block Level Educational Offices.

iii. Necessary press releases were given at district level about the

admission process.

iv. Necessary instructions were issued in the official web site to the effect that application for admission may be had from the district level and block level educational offices such as Office of the Chief Educational Officer, Office of the District Elementary Educational Officer, Office of the Inspector of Matriculation Schools and Office of the Assistant Elementary Educational Officer and filled in forms can be handed over to the offices itself.

v. Awareness programmes were conducted at school level in the villages and towns about the 5 admission under 25% reservation category. vi. Admissions were made in respect of all eligible candidates who had applied upto 15.06.2015 under the 25% reservation category."

... ..  
... ..

5. We are, thus, satisfied that all necessary steps are being taken. However, if any cases of non-compliant schools or refusal of admission or schools demanding monies against this quota come to light, they can be brought to the notice of the respondents-authorities. In order to facilitate this process, the respondents-authorities will set up a Monitoring Committee and duly publicize their names on the web site, so that aggrieved persons can approach that Committee for redressal of their grievances. Such a Committee will be set up within a week from today."

3. The learned Additional Government Pleader placing reliance upon the counter affidavit filed submitted that due compliance has been made. Accordingly, there exists Monitoring Committee apart from public made in the local daily.

4. We have perused the counter affidavit filed. We do not find any particulars regarding the publication made in any one of the leading vernacular Newspapers indicating the schedule for the admission process.

5. In such view of the matter, we are inclined to direct the respondents to undertake such process once again by making due publication in any one of the Vernacular Newspaper having wide circulation within a period of one week from the date of receipt of a copy of this order. Such publication shall also indicate the functioning of the Committee to whom complaints, if any, can be made. Insofar as the unfilled seats, if any, even after the expiry of the time limit is concerned, in tune with the order of the Division Bench referred to supra, they should be kept unfilled till the end of the 15<sup>th</sup> of November, 2020. Therefore, till such time, subject to the compliance of the other requirements, the seats, which remain unfilled meant for 25% reservation for the RTE quota will have to be filled up only under that category alone.

6. This writ petition stands disposed of accordingly with the above directions. No costs. Consequently, connected WMP is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

raa/kmk

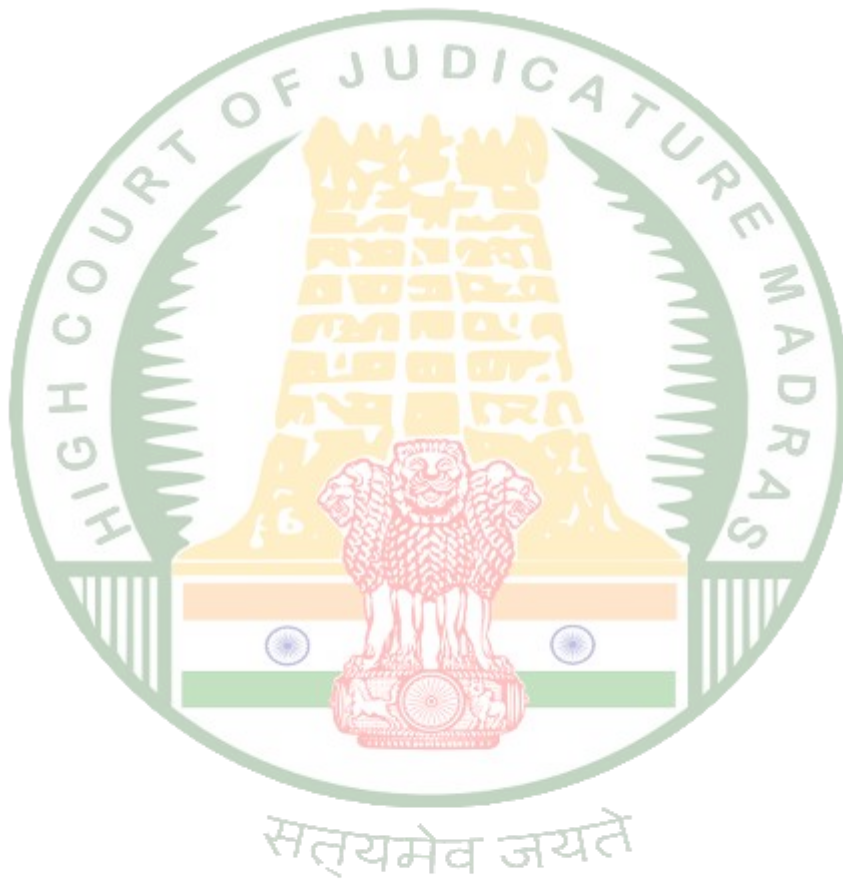
To

- 1.The Chief Secretary to Government,  
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+lcc to Mr.I.Abdul Basith, Advocate SR.29432  
+lcc to the Government Pleader SR.29248, 29262  
+lcc to Mr.I.Abdul Basith, Advocate SR.29432 (15/09/2020)

W.P.No.10217 of 2020

SSV(CO)  
CB(11/09/2020)



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