



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2020

CORAM

WEB COPY

**THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR**

W.P(MD).No.12091 of 2018  
and W.M.P. (MD).Nos.11014 and 11015 of 2018

B.Padmanathan

.. Petitioner

Vs.

- 1.The State of Tamil Nadu,  
Rep. by its Secretary,  
School Education Department,  
Secretariat,  
Fort. St. George, Chennai.
  - 2.The State of Tamil Nadu rep. by its  
The Director of Matriculation Schools,  
Office of the Director of Matriculation Schools,  
College Road, Chennai.
  - 3.The Chief Educational Officer,  
Office of the Chief Educational Officer,  
Thallakulam, Madurai.
  - 4.The Inspector of Matriculation Schools,  
Office of the Inspector of Matriculation Schools,  
Thallakulam, Madurai.
  - 5.The Correspondent,  
Mahatma Montessori Matriculation Higher Secondary School,  
Surveyor Colony, Madurai - 7.
- .. Respondents

**PRAYER:** Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondent Nos.3 and 4 to take necessary action to give admission to the petitioner's son P.Ranjiv aged 4 years in entry level class in the respondent No.5 school under Right of Children to Free and Compulsory Education Act 2009 within the time stipulated by this Court.



For Petitioner : Mr.S.Malikani  
For Respondents : Mr.N.Shanmugaselvam for R1 to R4  
Additional Government Pleader  
Mr.T.Lajapathi Roy for R5

WEB COPY

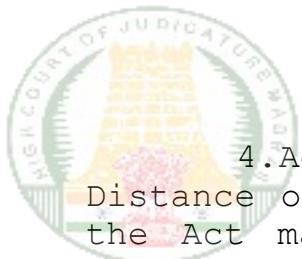
**ORDER**

This petition has been filed seeking a direction to the respondents to give admission to the petitioner's son P.Ranjiv aged about 4 years in entry level class in the 5<sup>th</sup> respondent's school under the Right of Children to Free and Compulsory Education Act 2009.

2.The learned counsel for the petitioner submitted that the petitioner has approached the 5<sup>th</sup> respondent school seeking admission for his son, who was aged about 4 years, in the entry level for the academic year 2018 - 2019. But, the 5<sup>th</sup> respondent has not accommodated the petitioner's son. The learned counsel for the petitioner further submitted that under Section 12(1)(c) of the Right of Children to Free and Compulsory Education Act, 2009 and Rules 8 and 9 of Right of Children of Free and Compulsory Education Rules 2010, it is the duty and responsibility of the respondent No.5, to reserve at least 25 % of seats in entry level admission to accommodate the people of disadvantaged and weaker section of community. But, the 5<sup>th</sup> respondent has committed some irregularities in the admissions. Therefore, the petitioner has approached this Court.

3.The third respondent in this case has filed a counter affidavit, wherein in paragraph 6, he has stated as follows:

*"6.That admittedly the petitioner's residence is not within the Distance of one Kilo meter which the Act mandates and the petitioner's son namely P.Ranjiv is not within the Walk able distance from the School and his residence is at 1.9 Kilo meters from the School and so the petitioner naturally becomes ineligible. Furthermore, the petitioner cannot bye-pass the procedure contemplated under the Act and as the Enactment is a Beneficial Legislation some other child is duly placed in the category and seats are duly filled in a transparent manner following the mandates of law and the petitioner cannot override and bye-pass the opportunity of an other child who had duly applied under the Act and is residing within one Kilometer with the schools premises."*



4. Admittedly, the petitioner's residence is not within the Distance of one Kilo meter from the 5<sup>th</sup> respondent's school, which the Act mandates. Moreover, the petitioner has filed this writ petition seeking admission for the academic year 2018-2019. Therefore, by considering the statement of the third respondent in his counter affidavit, as well as the fact that the petitioner has applied for admission to his son in the 5<sup>th</sup> respondent school at the entry level, for the academic year of 2018 - 2019, this Court is not inclined to grant any relief to the petitioner in the academic year 2020-2021.

5. In the view of the above, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TM

*Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To

1. The its Secretary,  
State of Tamil Nadu,  
School Education Department,  
Secretariat,  
Fort. St. George, Chennai.
2. The Director of Matriculation Schools,  
State of Tamil Nadu,  
Office of the Director of Matriculation Schools,  
College Road, Chennai.
3. The Chief Educational Officer,  
Office of the Chief Educational Officer,  
Thallakulam, Madurai.



4.The Inspector of Matriculation Schools,  
Office of the Inspector of Matriculation Schools,  
Thallakulam, Madurai.

+1 CC to M/s.T. LAJAPATHI ROY, Advocate ( SR-13592[F] dated  
04/08/2020 )

**W.P (MD) .No.12091 of 2018**  
**03.08.2020**

KG(CO)  
TR(14.08.2020) 4P 6C