Court No. - 38

Case :- WRIT - C No. - 19144 of 2020

Petitioner :- Aaradhya Tripathi (Minor)
Respondent :- Union Of India And 3 Others
Counsel for Petitioner :- Kunjesh Kumar Dubey
Counsel for Respondent :- A.S.G.I.,Bharat Pratap Singh

Hon'ble Pankaj Bhatia,J.

Counter affidavit filed today, is taken on record.

Heard learned counsel for the petitioner and Sri Devendra Pratap Singh, learned counsel appearing on behalf of respondents no. 2 to 4.

The contention of counsel for the petitioner is that the petitioner (minor) applied for admission in Kendriya Vidyalaya IFFCO Phoolpur, Allahabad (respondent no. 4) for the Academic Session 2020-2021 and had filled the application form, however, in the said application form, the address was shown as District Banda which is the permanent address where the parents of the minor girl reside. It is alleged that the name of the petitioner was included in the select list, however, the admission of the minor girl was cancelled on 02.09.2020 by the Principal solely on the ground that the address shown is about distance of 226 km. from the school in question.

The counsel for the petitioner alleges that in terms of the family arrangement the minor daughter is staying with her maternal uncle who resides within six kilometers from the school to pursue the study. However, as there was no column mentioned showing the temporary residence, only the

permanent residence of the petitioner was shown.

Learned counsel for the petitioner argues that he is ready and willing to give an affidavit in this connection by the parents of the minor girl as well as the maternal uncle of the minor girl to demonstrate that the minor girl in question shall stay with her maternal uncle for pursuing studies.

Sri Devendra Pratap Singh, learned counsel appearing on behalf respondents no. 2, 3 and 4, argues that the said decision was taken in terms of the guidelines which provide for filling of the current address only. However, for the reasons best known, the petitioner did not fill the current address and as the address shown is more than 200 km. away as such the admission was rightly cancelled.

The submission of counsel for the respondents deserves to be rejected for the sole reason that once the petitioner has alternative arrangements of staying near the school, the Principal could not have rejected the admission solely on the ground that the permanent address is at a distance of 200 kilometers onwards.

Considering the submissions made at the bar coupled with the fact that the affidavit was not filed by the petitioner before the authority concerned, the writ petition is disposed of with a direction upon the petitioner to file a fresh affidavit of the maternal uncle of the minor girl to demonstrate that the minor girl will stay on with her maternal uncle for the purpose of studying at

his house, the father of the minor girl shall also file affidavit that his daughter will stay at maternal uncles' house for the purpose of studying. In case such affidavits are filed within two weeks from today, the respondent no. 3 shall grant admission to the petitioner forthwith.

The writ petition is disposed of in terms of the said order.

Copy of the order downloaded from the website of Allahabad High Court shall be accepted/treated as certified copy of the order.

Order Date :- 24.11.2020
Puspendra