

13.01.2021

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W.P.A. 3542 of 2020

(Through Video Conference)

Tarit Chandra Mandal

Vs.

The State of West Bengal & ors.

Mr. Chitta Ranjan Chakraborty

Mr. Dip Jyoti Chakraborty

.... for the petitioner

Mr. Arindam Chattopadhyay

... for the State

Mr. Mounick Ghosh

... for the school authorities

The writ petitioner in this writ application is aggrieved by the action of the school authorities in not admitting the petitioner's daughter in Class V for the academic year 2020.

Counsel on behalf of the school authorities submits that the application for admission was made by the petitioner 21 days late and therefore, the application was not considered. He further submits that 160 students have applied for Class V and all of them have been granted admission.

Mr. Arindam Chattopadhyay, learned Counsel appearing on behalf of the State-respondents submits that the capacity of the school in Class V is only 150 students but the school has admitted 160 students.

In my view, an exception can be made in this case as the child has a right to education and the same is a fundamental right. Needless to mention, the admission of the petitioner's daughter is being done in the peculiar facts and circumstances and shall not act as a precedent for other persons.

In light of the above, the school authorities are directed to grant admission to the petitioner's daughter upon compliance of all formalities and the child should be allowed to join school at the earliest, preferably within two weeks from date.

With the above observations, this writ petition is disposed of.

Since no affidavit-in-opposition is called for, allegations made in the writ petition are deemed not to have been admitted.

All parties are to act on website copy of this order.

(Shekhar B. Saraf, J.)