



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :13.09.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P (MD) No.15683 of 2021

C.Jebakumar George

... Petitioner

Vs.

1.The Deputy Commissioner,
Kendriya Vidyalaya Sangathan,
IIT Campus, Chennai-600 036.

2.The Principal,
Kendriya Vidyalaya,
Naval Base,
(Vijaya Narayanam),
Nanguneri, Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent school to consider the petitioner's representation dated 12.08.2021 and admit the petitioner's son namely J.Jairus Milan in 1st Standard (Class 1) in the second respondent school by considering the petitioner's online application No.212173458902017214 as neighbourhood under Right of Children to Free and Compulsory Education Act, 2009.

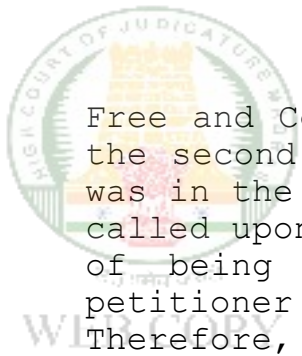
For Petitioner : Mr.S.Sukumar

For Respondents : Mr.E.T.Rajendran,
Standing Counsel.

ORDER

The petitioner seeks a direction for the consideration of the representation dated 12.08.2021 in relation to the admission of his son J.Jairus Milan in the first standard in the second respondent School.

2. The petitioner states that he resides within a radius of six kilometres from the second respondent School. Therefore, on 04.04.2021, the petitioner submitted an online application for admission of his son to the first standard for the academic year 2021-2022. Services application was made under the Right of Children to



Free and Compulsory Education Act, 2009. The petitioner states that the second respondent published a list. The petitioner's son's name was in the 122nd place on such basis. Accordingly, the petitioner was called upon to participate in a live lottery on 23.06.2021. In spite of being fully entitled to admission in the RTE quota, the petitioner states that his son was not granted admission. Therefore, a representation dated 12.08.2021 was submitted. The present Writ Petition is filed in view of the failure of the second respondent to consider the same.

3. Mr.E.T.Rajendran, learned standing counsel, accepted notice on behalf of both the respondents. Subsequent thereto, the respondents filed a common counter-affidavit, which was affirmed on 07.09.2021. In the said common counter-affidavit, the respondents state that the total strength in Class 1 is 80 seats. Therefore, it is stated that 25% of such seats are required to be reserved for the RTE quota. In effect, 20 seats are reserved under the RTE quota. The respondents also state that there were 93 applicants for the said 20 seats. Upon following a randomized process of selection, the petitioner's son was placed 31st in the RTE waiting list category. Such waiting list was cleared up to number 24 as of 17.07.2021. In view of the fact that the entire RTE quota of 20 seats was filled up by then, it is stated that no further vacancies are available.

4. Upon perusal of the affidavit in support of the Writ Petition, it appears that the petitioner is alleging that students residing beyond the eight k kilometre radius were selected. However, the affidavit does not contain any specific details as to which students were granted admission although they resided beyond the eight kilometre radius. Likewise, in the representation dated 12.08.2021, the petitioner alleges that persons who are not entitled to admission under the RTE quota have been granted admission, whereas in spite of possessing the relevant qualifications, the petitioner's son was denied admission. Once again, the representation of the petitioner does not contain any particulars or specific details to substantiate the general allegation made therein.

5. In light of the failure of the petitioner to substantiate the general allegation that unqualified persons were granted admission and by taking into account the averments in the counter-affidavit of the respondents, I find that the petitioner has completely failed to make out a case for the grant of admission for the academic year 2021-2022. However, in case the students admitted in the RTE quota discontinue their studies and vacancies arise, it will be open to the second respondent to consider the candidature of the petitioner's son in accordance with the applicable guidelines and rules in such regard.



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6. Subject to the above observations, W.P(MD).No.15683 of 2021 is disposed of without any order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

LM/tsg

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 Deputy Commissioner,
Kendriya Vidyalaya Sangathan,
IIT Campus, Chennai-600 036.
- 2.The Prinicipal, Kendriya Vidyalaya,
Naval Base, (Vijaya Narayanam),
Nanguneri, Tirunelveli District.

+1 CC to M/s.E.T.RAJENDRAN, Advocate (SR-28913[F] dated 14/09/2021)

**W.P (MD) No.15683 of 2021
13.09.2021**

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