

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No. 12484 of 2022

Benudhar Nayak

....

Petitioner

Mr. Ghanashyam Muduli, Advocate

-versus-

***Kendriya Vidyalaya Sangathan,
New Delhi & others***

....

Opp. Parties

Mr. Hrusikesh Tripathy, Advocate

**CORAM:
JUSTICE M.S. SAHOO**

ORDER

24.06.2022

Order No.

- 02.
1. This matter is taken up through hybrid mode.
 2. The brief facts of the case are that the petitioner, father of a student studying in Class-VI, has approached this Court challenging the action of the authorities of opposite parties 2 & 3- Kendriya Vidyalaya Sangathan refusing admission to the student after he was recommended by the Collector-cum-Chairman, VMC of Kendriya Vidyalaya-II, Khapuria, Cuttack by letter dated 04.03.2022, wherein the name of the son of the petitioner finds place at Sl. No.2.
 3. Notices were issued by order dated 18.05.2022 and the counter filed by the opposite party, Kendriya Vidyalaya Sangathan dated 06.06.2022 is on record.
 4. The writ petition bearing W.P.(C) No.11562 of 2022 which is also taken up today along with batch of writ petitions involving facts identical to the present case, has been allowed.
 5. Learned counsel for opposite party-Kendriya Vidyalaya Sangathan also relies on the affidavit dated 11.06.2022 filed in W.P.(C) No.11562 of 2022 i.e. filed pursuant to the order dated 18.05.2022 passed in W.P.(C) No.11562 of 2022. The affidavit

RJ

has been filed through Deputy Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Pragati Vihar, Mancheswar, Bhubaneswar. Para-4 of the said affidavit dated 11.06.2022 is quoted herein :-

“4. That the Amended/Revised Admission Guidelines for the Session 2022-23 will operate Prospectively. Hence, the order dated 12.04.2022 will applicable prospectively.”

Further at para-7 of the affidavit, the following has been stated:-

“7. xxx xxx. Therefore, the Special Provisions Scheme continued till it was withdrawn by the order dated 12.04.2022 of the Competent Authority.”

6. It has been argued by the learned counsel for the opposite parties that the admission those are notified, as per the Special Provisions Scheme, are provisional subject to verification of original documents and payment of fees.

7. Learned counsel for the petitioner submits in the present case, in fact, the petitioner was asked to submit their detail particulars along with Transfer Certificate for taking admission and as far as students are concerned, no further action was left to be done by the students for getting admission after their admissions were notified. It is further submitted that the Transfer Certificate dated 12.04.2022 (Annexure-3) of the student was issued by the School, countersigned by the Block Education Officer, Daspalla, Dist.-Nayagarh.

8. There is no indication in the affidavits filed by the opposite parties that the students did not comply with any of

the condition of admission after the admission notice was notified by the Kendriya Vidyalaya.

9. In view of the very fair stand taken by the opposite parties in the affidavit dated 11.06.2022 in response to the order dated 18.05.2022 in W.P.(C) No.11562 of 2022, at para-4 and para-7 (which are quoted herein):-

“4. That the Amended/Revised Admission Guidelines for the Session 2022-23 will operate Prospectively. Hence, the order dated 12.04.2022 will applicable prospectively.

7. xxx xxx. Therefore, the Special Provisions Scheme continued till it was withdrawn by the order dated 12.04.2022 of the Competent Authority.” ;

the writ petition has to be allowed.

10. It is directed that the authorities shall grant admission to the student as per the Admission Notice issued by Kendriya Vidyalaya No-II, Khapuria, Cuttack, annexed to the writ petition marked as Annexure-1. The admission process shall be completed immediately after receipt of the certified copy of this order.

11. The writ petition is allowed accordingly.

12. In the facts and circumstances of the case, there shall be no order as to costs.

All the interim orders passed earlier stand vacated.

Urgent certified copy of the order shall be issued as per rules.

Copy of the order be uploaded.

(M.S. Sahoo)
Judge