

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No. 16358 of 2022

Nandini Rout

....

Petitioner

Mr. Ghanashyam Muduli, Advocate

-versus-

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

....

Opp. Parties

Mr. Hrusikesh Tripathy, Advocate

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

ORDER

15.07.2022

Order No.

- 02.
1. This matter is taken up through physical mode.
 2. Mr. Tripathy, learned counsel for opposite parties submits that he has filed vakalatnama on behalf of opposite party no.2 on 12.07.2022 and files counter affidavit dated 12.07.2022, which is taken on record. Copy of the counter has been served on the learned counsel for the petitioner.
 3. The brief facts of the case are that the petitioner is the mother of a minor who was studying in Class-III and is supposed to take admission in Class-IV for the academic session-2022-23 having applied for admission in Kendriya Vidyalaya-II, Khapuria, Cuttack refusing admission to the student after she was recommended by the Collector-cum-Chairman, VMC of Kendriya Vidyalaya-II, Khapuria, Cuttack by letter dated 17.02.2022, wherein the name of the daughter of the petitioner finds place at Sl. No.6.
 4. Notices were issued by order dated 05.07.2022 and the counter affidavit filed by the opposite party, Kendriya Vidyalaya Sangathan dated 12.07.2022 is on record.
 5. It is submitted by the learned counsel for the petitioner that similar writ petition, W.P.(C) No.12482 of 2022 was allowed

RJ

by order dated 24.06.2022.

6. Learned counsel for opposite party-Kendriya Vidyalaya Sangathan also relies on the counter affidavit dated 12.07.2022 and makes his submissions based on the stand taken in the counter affidavit.

7. 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.

8. 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 11.04.2022 (Annexure-4) of the student was issued by the School, countersigned by the Block Education Officer, Cuttack Sadar.

9. 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.

10. Since the facts of the issuance of admission notice dated 06.04.2022 as well as 12.04.2022 of the issuance of subsequent office memorandum are not disputed, the writ petition is allowed.

11. 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-2 series. The admission process shall be completed immediately after receipt of the certified copy of this order.

12. The writ petition is allowed accordingly.

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

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

Copy of the order be uploaded.

(M.S. Sahoo)
Judge

