

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.29163 of 2020

Pranaba Kishore Hati

....

Petitioner

Mr. Biswaranjan Parida, Advocate

-versus-

***Kendriya Vidyalay Sangathan and
others***

....

Opposite Parties

Mr. Hrusikesh Tripathy, Advocate

**CORAM:
JUSTICE A.K. MOHAPATRA**

ORDER

14.11.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner as well as learned counsel for the Kendriya Vidyalay Sangathan. Perused the record.
3. The present writ petition has been filed by the petitioner for a direction to the opposite parties to take appropriate steps for granting the school admission of his ward, namely, Tapaswini Hati in Class-I of K.V. No.5, Kalainga Nagar, Bhubaneswar for the academic year 2020-2021.
4. It is submitted by learned counsel for the petitioner that the petitioner resides within 5 K.Ms. radius of K.V. No.5 Kalainga Nagar, Bhubaneswar on rent. He further contends that all the documents in support of his contentions that he is residing within 5 K.Ms. radius of the place where K.V. No.5 is situated has been filed. It is further submitted that the ward of the present petitioner applied for admission into Class-I and was selected under RTE lottery for the academic year 2020-2021, however, the said application was not considered by the authorities. Accordingly the present writ petition has been filed in the

year 2020. In the meantime, two years have been elapsed.

5. Mr. Tripathy, learned counsel appearing for the Kendriya Vidyalay Sangathan, on the other hand, disputes the residence of the present petitioner within 5 K.Ms. radius of the concerned of K.V. No.5 Kalainga Nagar, Bhubaneswar. He further submits that the petitioner belongs to Nayagarh district which is at a distance of 77 Kms. from the of K.V. No.5 Kalainga Nagar, Bhubaneswar. Further it is stated that the distance has been calculated on the basis of the documents submitted by the petitioner at the time of admission of his ward. Furthermore, learned counsel for the opposite parties submits that since prayer in the writ petition relates to the year 2020-2021 and the same is no effective relief can be considered.

6. Further, learned counsel for the petitioner submits that the application of the petitioner applied for the academic year 2020-21 may be considered in accordance with law.

7. Having heard learned counsel for the parties and keeping in view the provisions of the R.T.E. Act, the petitioner is directed to make fresh application along with all required documents. In the event, the petitioner makes an application as indicated hereinabove, the same shall be considered by the school authority in accordance with law and the decision so taken on the same shall be communicated immediately to the Petitioner.

8. With the aforesaid observation/direction, the writ petition stands disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge