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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.2503 OF 2022

Master Jeremy Jacob
Gregory (Minor) Through
Gregory Jose Chacko ... Petitioner
Versus
Kendriya Vidyalaya & Ors. ... Respondents

Mr. Pankaj Vijayan with Ms. Tejashree Choudhari i/b Intralegal for the
Petitioner.

Ms. Nieyati Masurkar ib/ Neeta Masurkar for the Respondents.

**CORAM : S. V. GANGAPURWALA &
S. M. MODAK, JJ.**

DATED : 29TH JUNE 2022

P.C. :

1. We have heard learned counsel for the Petitioner and learned
counsel for the Respondents.

2. The submission is made that admission process has commenced in
the Respondent No.1-College on or before 23rd February 2022. The
Petitioner is grandson of ex-employee of the Kendriya Vidhyalaya
Sangathan (KVS).

3. It is further submitted that the Petitioner filled an application
seeking admission with Respondent No.1-Kendriya Vidyalaya within
stipulated period. He submitted application on 13/03/2022. As per then

existing policy, namely, guidelines for the admission in Kendriya Vidyalaya, the children and grand-children of retired employees of KVS are required to be considered for admission at any time of the year irrespective of the class strength/year of transfer/recruitment. The Respondent No.1 was admitting the students of ex-employees of KVS without any demur, however, now the admission is denied on the ground that on or about 25th April 2022 fresh policy is introduced i.e. revised guidelines and as per revised guidelines the reservation made for the children and grandchildren of the retired KVS employees is done away with. According to the learned counsel for the Petitioner, same is impermissible after the admission process has commenced. The learned counsel submits that the Rules of games cannot be changed after the game is played. The learned counsel states that the same guidelines were subject matter of consideration before the Kerala High Court. The learned Single Judge of the Kerala High Court has declared revised guidelines to be arbitrary and unreasonable and directions were given to admit the children of retired KVS employees.

4. The learned counsel for the Respondents submits that revised guidelines are issued in the light of implementation of National Education Policy. NEP-2020 advocated maintaining of pupil teacher ratio of 30 : 1. The review of subject provisions in the admission guidelines were carried out. Hence in super-session of the earlier guidelines, the revised guidelines of admission in KVS for the academic year 2022-23 are framed. The learned counsel submits that the policy is framed by the experts and this Court may not interfere in the policy framed by the experts in the academic matters.

5. The learned counsel further submits that to get admission in the school is not a right of the candidate. The earlier provision also contains that KVS may consider to admit the wards of retired employees of KVS. According to the learned counsel for the Respondents, the Respondents have assailed the judgment of the Kerala High Court referred to above before the Division Bench of said Court.

6. We have considered the submissions. There cannot be any debate with the proposition that in academic matters this Court would not substitute its view for the views of the experts.

7. We are only considering revised guidelines as framed, after the admission process has commenced.

8. There is no dispute that the admission process commenced in February 2022. The Petitioner filled application and form on 13th March 2022. The revised policy/guidelines relied by the Respondents were issued for the first time on 25th April 2022, after the admission process was underway. We have no manner of doubt that the Respondents certainly is entitled to evolve its policy, however, that should be prospectively applied and not retrospectively. It would be difficult now for the students when they have already applied in February 2022 and awaiting consideration of their applications, to get admission elsewhere.

10. The learned Single Judge of the Kerala High Court also considered

said aspect and has observed that the same is arbitrary as the guidelines are being altered governing admission after the process for academic year has commenced.

11. It is submitted that the last date of admission is not over. In the light of that we pass the following order :

(i) The Respondents shall consider the Petitioner for admission as grandson of the retired KVS employee. It is made clear that we have passed the only on the ground the policy was introduced, after the admission process had commenced and last date for admission is not over.

12. The Writ Petition is disposed of accordingly. No costs.

(S. M. MODAK, J.)

(S. V. GANGAPURWALA, J.)