



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.05.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.Nos.12048, 12050 & 12051 of 2022
and
W.M.P.Nos.11472, 11474 & 11476 of 2022

J.Vediappan	...Petitioner in WP.No.12048/2022
A.Muniyasamy	...Petitioner in WP.No.12050/2022
I.Rosario Arockiaraj	...Petitioner in WP.No.12051/2022

Vs.

1. The Union of India,
Rep.by its Secretary,
Minister of Education,
New Delhi - 110016.
2. The Commissioner,
Kendriya Vidyalaya Sangathan,
No.18, Industrial Area,
Shaheed Jeet Singh Marg,
New Delhi - 110016.
3. The Chairman, VMC
Kendriya Vidyalaya, Anna Nagar,
GPRA Campus, Thirumangalam,
Chennai - 600040.
4. The Principal
Kendriya Vidyalaya Anna Nagar,
GPRA Campus, Thirumangalam,
Chennai - 600 040.

...Respondents in all WPs

Prayer in WP.No.12048 of 2022:

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, pertaining to the letter dated 15.03.2022 in No.32/1/2019-Admin.I/CE, Chennai - 509 directing the third respondent



allocating one seat and the consequent letters dated 22.03.2022 in F.350/KVAN/2021-22/1593 and F.350/KVAN/2021-22/1592 approving the said seats to the petitioner's minor wards Master Lakshan.V in class VI and Miss Dakshina.V in class III for the academic year 2022-2023 in Kendriya Vidyalaya, Anna Nagar, Chennai and direct the third and fourth respondents to admit the minor wards of the petitioner namely Master Lakshan.V in class VI and Miss Dakshina.V in class III for the academic year 2022-2023 in Kendriya Vidyalaya, Anna Nagar, Chennai.

Prayer in WP.No.12050 of 2022:

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, pertaining to the letter dated 15.03.2022 in No.32/1/2019-Admin.I/CE, Chennai - 509 directing the third respondent allocating one seat and the consequent letter dated 22.03.2022 in F.350/KVAN/2021-22/1595 approving the said seat to the petitioner's minor ward Master M.Mahijit in class IV for the academic year 2022-2023 in Kendriya Vidyalaya, Anna Nagar, Chennai and direct the third and fourth respondents to admit the minor ward of the petitioner namely Master M.Mahijit in class IV for the academic year 2022-2023 in Kendriya Vidyalaya, Anna Nagar, Chennai.

Prayer in WP.No.12051 of 2022:

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, pertaining to the letter dated 15.03.2022 in No.32/1/2019-Admin.I/CE, Chennai - 509 directing the third respondent allocating one seat and the consequent letter dated 22.03.2022 in F.350/KVAN/2021-22/1594 approving the said seat to the petitioner's minor ward Master R.Roger Joshua in class VIII for the academic year 2022-2023 in Kendriya Vidyalaya, Anna Nagar, Chennai and direct the third and fourth respondents to admit the minor ward of the petitioner namely Master R.Roger Joshua in class VIII for the academic year 2022-2023 in Kendriya Vidyalaya, Anna Nagar, Chennai.

For Petitioner : Mr.B.Mohan
(in all WPs)

For R1 : Mr.K.Subbu Ranga Bharathi,
(in all WPs) Central Government Counsel.

For RR2 to R4 : Mr.M.Vaidhiyanathan,
Standing Counsel.



COMMON ORDER

Heard the learned counsel appearing for the writ petitioners and the learned Central Government Standing Counsel for Union of India and also the learned Standing Counsel for Kendriya Vidyalaya.

2. The children of the writ petitioners were sponsored for admission to Kendriya Vidyalaya, Anna Nagar, Chennai. Accepting the sponsorship, the Principal, Kendriya Vidyalaya, Anna Nagar, Chennai, issued communications dated 22.03.2022 calling upon the petitioners to report Kendriya Vidyalaya, Anna Nagar, on 22.03.2022 at 10.00 a.m., with the following documents:-

- i).DOB by a competent authority
- ii).Residence proof
- iii).Service certificate issued by head of the office.
- iv).Community certificate (if any)
- v).TC from the previous school.

3. Pursuant to the said communication, the petitioners duly reported along with the wards and with the aforesaid documents. Subsequently, the admission policy underwent a change. An Office Memorandum dated 25.04.2022 was issued and the earlier policy of admitting the wards based on sponsorship and recommendation was taken away. As a result of the Office Memorandum dated 25.04.2022, the school is expressing its difficulty in admitting the petitioners' children. That necessitated filing of these Writ Petitions.

4. It is true that the admission policy underwent a change, but the change in policy took place only on 25.04.2022. In the cases on hand, the sponsorship was made in March 2022, pursuant to which letters were sent by the Principal Kendriya Vidyalaya, Anna Nagar, Chennai on 22.03.2022. The petitioners were called upon to obtain Transfer Certificates from previous school. Accordingly, they took the Transfer Certificates from the previous schools and submitted the same. Thus based on the communication of Kendriya Vidyalaya, Anna Nagar, the petitioners have altered their position. This is a case in which Doctrine of Estoppel would clearly apply. That apart, the Office Memorandum dated 22.03.2022 cannot have retrospective effect. In the very nature of things, such policy change can only be prospective.

5. Therefore, the third and fourth respondents are directed to admit the petitioners' children in the respective classes for which the admissions were sought for.



6. Accordingly, all the Writ Petitions stand allowed. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

WEB COPY

Sd/-

Vacation Officer

//True Copy//

Sub Assistant Registrar

mrm/smv

To

1. The Secretary,
The Union of India,
Minister of Education,
New Delhi - 110016.
2. The Commissioner,
Kendriya Vidyalaya Sangathan,
No.18, Industrial Area,
Shaheed Jeet Singh Marg,
New Delhi - 110016.
3. The Chairman, VMC
Kendriya Vidyalaya, Anna Nagar,
GPRA Campus, Thirumangalam,
Chennai - 600040.
4. The Principal
Kendriya Vidyalaya Anna Nagar,
GPRA Campus, Thirumangalam,
Chennai - 600 040.

+3ccs to Mr.M.Vaidhiyanathan, Advocate SR. No. 31490
+3ccs to Mr.B.Mohan, Advocate SR. Nos.31434, 31433, 31435
+1cc to State Government Pleader SR. No. 31528

W.P.Nos.12048, 12050 & 12051 of 2022

GP (CO)
PR (16/06/2022)