

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.14851 of 2022

R.Rajguru

...Petitioner

vs.

1. Director,
Directorate of Matriculation Schools,
DPI Campus,
Nungambakkam,
Chennai - 600 006.

2. Chief Educational Officer,
DPI Campus,
Nungambakkam,
Chennai - 600 006.

3. Parimalam Nursery & Primary School,
No.55/31, Seniamman Koil Street,
Tondiarpet,
Chennai - 600 081.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st & 2nd respondent to consider petitioner's representation dated 25.05.2022 to admit petitioner's child R.R.Viveetha Bharati in any neighbourhood School and allow to continue the education.

For petitioner : Mr.T. Sivagnanasambandam

For respondents : Mr.B. Vijay,
Additional Government Pleader
for R1 & R2
Mr.N.Theenadayalan for R3

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the 1st and 2nd respondents to consider the petitioner's representation dated 25.05.2022 requesting for admitting the petitioner's child R.R.Viveetha Bharati in any neighbourhood school and allow her to continue the education.

2. The petitioner's child R.R.Viveetha Bharati was studying in the 3rd respondent school. Since the 3rd respondent school has now been shut down, the petitioner has given a representation on 25.05.2022 seeking for admission of his child R.R.Viveetha Bharati in any other school. Since the representation has not been considered the petitioner has filed this writ petition.

3. Heard Mr.T.Sivagnanasambandam, learned counsel for the petitioner and Mr.B.Vijay, Additional Government Pleader for the respondents 1 and 2.

4. A counter affidavit has been filed by the 1st and 2nd respondents and in paragraph No.11, it has been stated as follows :-

11. It is also submitted that 98.6% of 91040 habitations in the State of Tamil Nadu are provided with upper primary schools established, owned, controlled or substantially financed by funds provided directly or indirectly by the State Government or local authorities. Therefore, the Government will take the responsibility of continuing the education of the children who were admitted under section 12 (1) (c) of the RTE Act, 2009 into primary schools which are imparting education upto V Standard into nearby Government, Government recognised aided schools which are having classes upto VIII and above and will ensure the completion of elementary education of the children.

5. As seen from the aforementioned paragraph, the respondents 1 & 2 are prepared to provide an admission for the petitioner's child in a neighbourhood school, which is covered under the RTE Act.

6. The learned Additional Government Pleader appearing for the official respondents would submit that the petitioner will have to submit a fresh application for the said purpose. The learned counsel for the petitioner agrees to the submission made by the learned Additional Government Pleader for the respondents.

7. After recording the rival submissions, this Court directs the petitioner to submit a fresh application to the second respondent seeking to admit his child R.R.Viveetha Bharati in any neighbourhood school in view of the shut down of the 3rd respondent school which is approved under the RTE Act, within a period of one week from the date of receipt of a copy of this order. On receipt of the said application, the second respondent shall pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner, within a period of four weeks thereafter.

8. With the aforesaid direction, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

vsi2

To

1. The Director,
Directorate of Matriculation Schools,
DPI Campus,
Nungambakkam,
Chennai - 600 006.

2. The Chief Educational Officer,
DPI Campus,
Nungambakkam,
Chennai - 600 006.

+1cc to Mr.T.Sivagnanasambandam, Advocate SR.No.44474

+1cc to the Government Pleader, SR.No.45110

W.P.No.14851 of 2022

NMI (CO)
CB(21/07/2022)