



W.P(MD)No.14880 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14880 of 2022

S.S.Vijay Rajesh

... Petitioner

Vs.

- 1.The Commissioner of School Education,
Directorate of School Education,
DPI Complex, College Road,
Chennai-600 006.
- 2.The Chief Educational Officer,
O/o. the Chief Educational Officer,
Tallakulam, Madurai,
Madurai District.
- 3.The District Educational Officer,
O/o. the District Educational Officer,
Thirumangalam Educational District,
Thirumangalam, Madurai District.
- 4.The Principal, Velammal Vidyalaya School,
Anuppanadi, Chinthamani, Madurai-625 009.
- 5.The Chariman, Velammal Vidyalaya School,
Anuppanadi, Chinthamani, Madurai-625 009.
6. The District Collector, Collectorate, Madurai,
Madurai District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to provide admission to the first standard for the petitioner's son namely S.V.Joseph Chris at Velammal Vidyalaya School, Anuppanadi, Chinthamani, Madurai under the 25% RTE reservation in accordance with Section 12 of the Right of Children to Free and Compulsory Education Act, 2009, within the time stipulated by this Court.

For Petitioner : Mr.S.Louis

For R1 to R3 & R6 : Mr.V.OM.Prakash, Government Advocate

For R4 & R5 : Mr.Shaji Chellan

ORDER

Heard the learned counsel appearing for the petitioner, learned Government Advocate appearing for R1 to R3 & R6 and the learned counsel appearing for R4 & R5.

2.The writ petitioner claims that he and his family are residing in Nanthavanam Street, Ring Road, near Chinthamani, near the fourth respondent school. The petitioner applied to the fourth respondent school for admitting his son S.V.Joseph Chris under RTE quota in the year 2020. The petitioner's request was negatived by the education department on the ground that the petitioner must apply directly to the school and that the petitioner was not residing within one kilometer radius. According to the petitioner, to satisfy the



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said norms, he shifted his residence and that he is now residing within the said radius. When the petitioner applied to the fourth respondent once again, it was not processed. Unable to wait any further, the present writ petition came to be filed.

3.The Education Department as well as the private school were put on notice. It is submitted by the school management that the petitioner is not residing within one kilometer radius. This contention cannot be accepted because I have already held in W.P.(MD)No.12153 of 2022, dated 26.07.2022 that an application for admission under RTE quota cannot be rejected on the ground that child is not residing within one kilometer radius. I am more than satisfied on the basis of the materials enclosed in the typed set of papers that the the petitioner is residing within the prescribed distance.

4.The second objection raised by the learned counsel for the school management is that the petitioner is seeking admission for his child not in L.K.G but in First Standard. This contention again does not have merit because Section 12(1)(c) of Right of Children to Free and Compulsory Education Act, 2009 talks of admission in Class I. Of-course, the ground reality is different. Admissions are made from L.K.G onwards. U.K.G students studying in the



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school in question will have to be admitted in Class I. If the strength is already filled up by then, then, obviously, the school management cannot be expected to admit more number of students. But this is a matter which the legislature has to take note of. It is quite possible that some school managements can take the stand when a parent approaches for admission in LKG class under RTE quota that law obliges them to extend the benefit of the statute only for admission in First Standard.

5.It is true that the sanctioned Section strength in Class I is only 30. The management cannot however plead that they do not have vacancies. The fact remains that there has been no admission under RTE quota. Therefore, the claim of the petitioner for his child has to be accepted. It is for the school management to make appropriate arrangements. The respondents 4 and 5 are directed to provide admission to the petitioner's child in the First Standard immediately and forthwith.

6.The Writ Petition is allowed. No costs.

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Index : Yes / No
Internet : Yes/ No
rmi/skm



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G.R.SWAMINATHAN, J.

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