

he was transferred to the ARDE (DRDO) in Pashan which is also in Pune. According to the Petitioners the Kendriya Vidyalaya assured the Petitioners admission by virtue of a communication dated 8th April 2022 at Exhibit 'C' where the two minor Petitioners names appear at Serial Nos. 3 and 4. The letter itself says that this was under a sponsoring agency quota. Then there is a communication at Exhibit 'F' at page 23 and this letter says that there were incomplete documents submitted for these two Petitioners and hence admission could not be granted. According to the Petitioners this communication at Exhibit 'F' is not genuine or at least the reasons in it are not genuine.

3. We leave aside the question that this will raise disputed questions of fact. We come to the Affidavit in Reply to which Ms Masurkar invites our attention. It sets up the ground, correctly, that the Kendriya Vidyalaya is a chain of 1252 institutes. The Chairman is the Union Minister of Education and the Vice Chairperson is the Joint Secretary of the Department of School Education and Literacy of the Government of India. The KVS is headed by a commissioner. It has certain policy decisions taken by a board of governors. Admissions are also regulated according to guidelines and policy which are framed and revised periodically. Currently these follow the National Education Policy ("NEP") 2020 and important among these is the mandatory requirement of maintaining a student teacher ratio of 30:1, i.e., thirty students per teacher. Revised guidelines for admission to KVS for the academic year 2022-2023 were framed after relaxing some of the Covid-specific SOPs. The guidelines themselves say, and this is the correct position of law that registration is no conferral of a right of admission. No person has an

absolute right let alone a legally enforceable right to admission. The Petitioner applied in three KVS schools across Pune. On its own, this would establish that the Petitioner has no absolute right to admission. The previous guidelines governing admissions were reviewed. Important among these reviews, was the abolition of quotas for Members of Parliament, Chairman, Management, and so on. The affidavit points out that this so called transfer was actually within the station i.e. within Pune. This is not disputed but we are told that the distance had increased because the earlier school was closure to Lohegaon than it is to Pashan. The reply accepts that the names of the minor Petitioners were recommended under a “sponsoring agency quota” on 8th April 2022 by the Chairman of the Kendriya Vidyalaya Ganeshkhind. But this sponsoring agency quota was discontinued on 25th April 2022. Then the father approached the Kendriya Vidyalaya Ganeshkhind for admission for 2022–2023. He applied again in August of 2022 and was asked to submit documents in support of this application. Those documents were scrutinized and verified but admission was not possible because the two children were not eligible as per the existing admission guidelines at that time. This resulted in a communication of 30th August 2022 by the principal that the two minors were ineligible for admission.

4. The admissions in all categories were completed on 30th November 2022. The two problems with this Petition are first that it seeks admission to a school as of right and second that it seeks this admission under a discretionary quota. We find no basis in law for the first and there is certainly no basis for the second.

5. To put an end to this, the revised admission guidelines do speak of automatic admission of children in Kendriya Vidyalayas on the basis of transfer certificates issued by CBSE affiliated schools run by Armed Forces and Paramilitary Forces but these are entertained only if a parent has been transferred to that place or has desire to settle at that place after his retirement or is transferred to some non family station or posted in a Naxal affected area and chooses to keep the family elsewhere.

6. As we have noted at the beginning the Petitioner has not been transferred out of station at all. He is in station but at a different location, at Pashan instead of Lohegaon. The automatic admission policy cannot possibly apply to the two minor Petitioners.

7. Regrettably we are unable to grant the relief. The Petition is disposed of in these terms.

(Neela Gokhale, J)

(G. S. Patel, J)