



W.P.No.8081 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No. 8081 of 2023

Minor K.Jaki Suganeshwaran
Rep. By his father and natural guardian
J.Kamalakannan

... Petitioner

Vs.

1. The District Collector,
Cuddalore.
2. The Chief Education Officer,
CEO Office, Cuddalore.
3. The District Educational Officer,
District Education Office,
Government Higher Secondary School, GF
Pennai Aaru Road, Manjakuppam,
Cuddalore.
4. The Head Master,
Government Higher Secondary School,
Kattupalayam, Vellakarai,
Cuddalore.
5. The Head Master,
Seventh Day Adventist School,
Kamarajar Nagar, Panruti,
Cuddalore.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to



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3 to take appropriate action to protect the right of the petitioner K.Jaki Suganeshwaran and continue his studies in LKG in the 5th respondent school under right to free and compulsory education for children Act 2009 (RTE Act, 2009) and also to direct them to take action against the 5th respondent school for violation of RTE Act, 2009 and collection of illegal fee from the petitioner based on the petitioners father representation dated 13.09.2022 and 07.02.2023.

For Petitioner : Mr.C.Rajaguru

For Respondent : Mr.E.Veda Bagathsingh, SGP

ORDER

Mr.E.Veda Bagathsingh, learned Special Government Pleader, takes notice for the respondents. By consent of both the parties, the writ petition is taken up for final disposal at the time of admission stage itself.

2. The Writ Petition has been filed seeking direction to the respondents 1 to 3 to take appropriate action to protect the right of the petitioner K.Jaki Suganeshwaran and continue his studies in LKG in the 5th respondent school under Right to Free and Compulsory Education for Children Act 2009 (RTE Act, 2009) and also to direct them to take action against the 5th respondent school for violation of RTE Act, 2009 and collection of illegal fee from the petitioner based on the petitioners father representation dated 13.09.2022 and 07.02.2023.



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3. The case of the petitioner is that he was selected for LKG in the 5th respondent School under the RTE Act 2009. However, the 5th respondent insisted for payment of fees, for which, the petitioner made a representation to the respondents 1 to 5 and no order is passed till date and hence, the present writ petition.

4. The learned counsel for the petitioner submitted that this Court may issue a direction to the 5th respondent to consider the petitioner's representation and pass appropriate orders within the stipulated time as fixed by this Court.

5. On the other hand, the learned Special Government Pleader submitted that the petitioner had made application under RTE Act for LKG admission to the 5th respondent school. Totally, 95 applications were received under RTE Act, in which, the petitioner was not selected on the ground that the petitioner is not residing within the radius of one kilo metre.



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M.DHANDAPANI,J

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