



WEB COPY



W.P.No.14328 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.05.2023

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and**

**THE HONOURABLE MR.JUSTICE SENTHILKUMAR
RAMAMOORTHY**

W.P.No.14328 of 2023

and

WMP.No.13842 & 13843 of 2023

D.Muthu

...

Petitioner

Vs.

- 1.The State of Tamil Nadu
Rep.by its Secretary to Government
School Education Department,
Fort. St.George, Secretariat,
Chennai – 600 009.
- 2.The Commissioner of School Education,
Directorate of School Education,
DPI Campus. 6, College Rd,
Subba Road Avenue, Nungambakkam,
Chennai, Tamil Nadu – 600 006.
- 3.The Chief State Nodal Officer/
The Director of Matriculation School,
DPI Campus, College Road,
Nungambakkam, Chennai – 600 006.
- 4.The Director,
Directorate of Elementary Education
DPI Campus.6, College Rd,
Subba Road Avenue,
Nungambakkam, Chennai, Tamil Nadu- 600 006.



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5.The State Project Director,
Sarva Shiksha Abhiyan,
DPI Campus, College Rd,
Subba Road Avenue,
Nungambakkam, Chennai,
Tamil Nadu – 600 006.

... Respondents

Prayer: This Writ petition has been filed under Article 226 of the Constitution of India, 1950 to issue a Writ of Mandamus directing the respondents to issue directions to all the private schools to follow the procedures as specified under the G.O.(Ms).No.66 dated 07.04.2017 along with Press Release No.341 dated 29.05.2017 for filling up of requisite number of seats and for effective implementation of reservation of Disadvantaged group/Weaker Section and all other categories under Right of Children to Free and Compulsory Education Act, 2009 and thereby direct to make necessary changes in online portal for applicants in order to enable them to apply as nearest habitants by considering the petitioner's representation dated 28.02.2023.

For Petitioner ... Mr.S.Lakshmi Narayanan

For Respondent ... Mr.V.Manoharan
Nos.1 to 5 Additional Govt.Pleader



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ORDER

WEB COPY (Order of the Court was delivered by SENTHILKUMAR RAMAMOORTHY.J)

This writ petition has been filed to direct the respondents to issue directions to all private schools to follow the procedures specified under G.O.(Ms).No.66 dated 07.04.2017 along with Press Release No.341 dated 29.05.2017 for filling up of requisite number of seats and for effective implementation of reservation for disadvantaged group/weaker sections under the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act, 2009).

2.The petitioner canvassed the grievance that the RTE Act, 2009 is not being implemented properly by the respondents. The petition is framed as a public interest litigation and the petitioner states that he is a resident of Coimbatore and has helped people living in his locality to obtain admission in private schools under the aforesaid enactment. The petitioner refers to the application made on behalf of one girl child, Miss Yazhnila, to the ELGI Matriculation Higher Secondary School and the refusal of the School administration to admit her on the ground that she resides beyond the one kilometre radius from the School.



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3.Learned counsel for the petitioner refers to the Government Order issued in relation to the reservation of 25% seats for the disadvantaged group/weaker sections and points out that the limit of one kilometre radius is not an impediment, if sufficient eligible candidates are not available.

4.The third respondent has filed a counter. In the said counter, the third respondent has specifically referred to applications received from nine candidates for admission to the ELGI Matriculation Higher Secondary School, Coimbatore for the academic year 2022 – 2023. The status of each application has been set out in a table in paragraph No.6. As regards the candidate Yazhnila, the third respondent has stated that there are four other schools to which the said candidate could have applied.

5.This submission is countered by the learned counsel for the petitioner by stating that the said schools are Government schools and not private schools.



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6.From the counter of the third respondent, it appears that the State has taken requisite measures to ensure that the RTE Act is duly implemented. Apart from providing details with regard to one candidate, the petitioner has not provided particulars with regard to the denial of admission to other eligible candidates. On the basis of the limited information provided by the petitioner, an omnibus direction cannot be issued. It should be noticed that when individual applicants are aggrieved, they approach this Court for relief and such petitions are duly considered. By leaving it upon to aggrieved individual candidates or their parents to approach this Court, this writ petition is disposed of on the ground that the petitioner has not made out any case for issuing generic directions to the respondents. Consequently, connected miscellaneous petitions are closed. No costs.

Index :Yes/No
Internet :Yes/No
sms/mrp

(C.V.K.J.) (S.K.R.J.)
17.05.2023



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