



W.A.No.3419 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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1.Kendriya Vidyalaya Sangathan
rep. by its Chairman
Regional Office, IIT Campus
Chennai-600 036

2.The Principal
Kendriya Vidyalaya No.1
Air Force Station, Madambakkam Camp
Post Selaiyur, Tambaram
Chennai-600 073

3.The Principal
Kendriya Vidyalaya No.2
Air Force Station, Madambakkam Camp
Post Selaiyur, Tambaram
Chennai-600 073

.. Appellants

Vs

Shreya Bhattacharya
rep. by her father/natural guardian
Satraji Bhattacharya

.. Respondent



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PRAYER: Appeal under Clause 15 of the Letters Patent against the order dated 9.10.2023 in W.P.No.12893 of 2023 passed by the learned Single Judge.

For the Appellants : Mr.M.Vaidhiyanathan

For the Respondent : Mr.D.Muthukumar
for M/s.Paul and Paul

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.M.Vaidhiyanathan, learned counsel for the appellants; and Mr.D.Muthukumar, learned counsel for M/s.Paul and Paul, learned counsel for the respondent.

2. The present respondent/original writ petitioner is a minor studying in VIII Standard in the Armed Forces School situated about 15 kms away from her residence. The respondent sought transfer to the Kendriya Vidyalaya (present



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second appellant). The application of the respondent/original writ petitioner is negatived only on the ground that the respondent has surpassed the maximum age limit by two months. The age criteria for admission to VIII Standard fixed by the appellants is 12 to 14 years. Learned Single Judge has allowed the writ petition. Aggrieved thereby, the present appeal.

3. Learned counsel for the appellants submits that the guidelines for admission are specific. For a student to be admitted in VIII Standard, the minimum age as on 31st March of the year in which admission is sought is 12 years and the maximum age is 14 years. The respondent is aged 14 years and two months. As such, is ineligible for admission. Though the respondent is entitled to seek transfer from school run by the Armed Forces to the appellant school, the other eligibility criteria of age and marks/grades are to be followed in letter and spirit. Learned counsel submits that the appellants are



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bound by the guidelines issued.

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4. Learned counsel of the respondent/original writ petitioner submits that the appellants have amended the guidelines for admission to I Standard qua age. Now the student seeking admission for I Standard in the appellant school has to be between 6 to 8 years. If the same is considered, for admission to VIII Standard, it ought to be 13 to 15 years. The respondent is a girl student and is required to travel to and fro 30 kms every day.

5. We have considered the submissions.

6. There cannot be any dispute with the proposition that the guidelines for admission as applicable on the date are to be scrupulously adhered to.

7. Though the respondent/original writ petitioner had



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challenged the guidelines qua age, the learned Single Judge has not granted the declaration in favour of the respondent.

8. Be that as it may, the learned Single Judge has exercised his discretion. The exercise of discretion was keeping in mind the difficulties faced by the respondent/original writ petitioner in attending the school. Moreover, the respondent is already studying in the school run by the Armed Forces and is validly admitted in the said school. In view of that, the learned Single Judge had exercised the discretion.

9. We are not inclined to interfere with the said discretion exercised. However, we may observe that the impugned judgment shall not be considered as a precedent and the same would be limited to the facts of the said case.

10. The appellants may consider the case of the respondent/original petitioner for admission expeditiously,



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preferably within four weeks.

The writ appeal, accordingly, stands disposed of. There will be no order as to costs. Consequently, C.M.P.No.28030 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

12.12.2023

Index : Yes/No
Neutral Citation : Yes/No
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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

(sasi)

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