



W.P.No.1246 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.1246 of 2023

and

W.M.P.No.11680 of 2023

B.Hemanath

... Petitioner

Vs.

1. The District Collector,
Office of District Collectorate,
Cuddalore – 607 001.
2. The Chief Education Officer,
Office of Chief Education Officer,
Cuddalore – 607 001.
3. BWDA Matriculation H.S.School,
Rajapalayam, Maligaimedu Road,
Kandaraikottai P.O.600 205,
Panrutti TK, Cuddalore – 600 205.

... Respondents

Prayer in W.P.No.1246 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records in impugned order in Na.Ka.No.1191/E1/2022 dated 07.09.2022 issued by the second respondent and quash the same as arbitrary and direct the third respondent to admit the petitioner under Right to education Act.



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For Petitioner : Mr.M.Nalla Thambi

For Respondents : Mr.U.Baranidharan
Additional Government Pleader
for R1 and R2

ORDER

This writ petition was filed seeking quashment of the impugned order in Na.Ka.No.1191/E1/2022 dated 07.09.2022 passed by the second respondent and to consequently, direct the third respondent to admit the petitioner under Right to education Act.

2. It is the case of the petitioner that the petitioner's father applied for admission to LKG for the academic year 2022 – 2023 in the third respondent school for his son ie.,the petitioner, under the Right to Education Act on 22.04.2023, and the same was rejected by the third respondent without stating any reason. Against which, the petitioner made representation before the second respondent seeking to admit the petitioner as per the Right to Education Act. However, the second respondent vide order dated 07.09.2022, rejected the said representation on the ground that, the petitioner is residing 1.9 kms away from the third respondent school. Challenging the same, the petitioner has come up with this writ petition.



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3. Learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that the second respondent rejected the petitioner's application on the ground that the petitioner's residence is not within 1 km radius of the third respondent school. Further, the petitioner made application before the second respondent for the academic year 2022 – 2023 which is almost over. Hence, this Court may direct the petitioner to make fresh application before the second respondent along with the residence certificate and on such representation being made by the petitioner, the second respondent will consider the petitioner's application as per the Right to Education Act.

4. In response, learned counsel for the petitioner submitted that the petitioner is ready to submit application before the second respondent along with the residence certificate.

5. Heard learned counsel appearing on either side and perused the materials placed before this Court.

6. In view of the above said submissions, this Court without interfering



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with the order impugned in this Writ petition, directs the petitioner to make a fresh application before the second respondent along with the residence certificate within a period of two weeks from the date of receipt of a copy of this order and on such application being made, the second respondent is directed to provide admission to the petitioner in anyone of the schools which is nearby the petitioner house as per the Right to Education Act.

7. With the above directions, this Writ Petition is disposed of. No costs.

Consequently connected miscellaneous petition is closed.

25.04.2023

Index : Yes / No

Speaking order / Nonspeaking order

Netrual Citation Case : Yes / No

(rap)

Note: Issue Order copy today i.e., 26.04.2023



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To
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M.DHANDAPANI, J.

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