



W.P.No.20130 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2024

CORAM :

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.20130 of 2024

and

WMP.No.22037 of 2024

V.Kumaresan

...Petitioner

Vs.

1. The Chief Educational Officer,
Chennai District,
Presidency Girls Higher Secondary School,
Spur Tank Road, Egmore,
Chennai – 600 008.
2. The District Educational Officer (Private Schools),
Chennai South Zone, Ambedkar School Campus,
Egmore, Chennai – 600 008.
3. Model Matriculation School,
Rep. by its Correspondent,
Thandavarayan Street, Kanniappan Colony,
Sanjeevirayanpet, Tondiarpet,
Chennai – 600 081.

...Respondents

Writ Petition filed under Article 226 of Constitution of India,
praying for issuance of Writ of Mandamus directing the 3rd respondent to give
admission to the petitioner's son K.Chezhian in L.K.G.Standard under the



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provisions of Right of Children to Free and Compulsory Education Act, 2009 as his place of residence is well within one kilometer distance as per data given in the Government website.

For Petitioner : Mr.S.Pushpakaran

For Respondents : Mr.LSM.Hasan Fizal, AGP, for R1 & R2
: Mr.P.Ebenezer Paul, for R3

ORDER

The petitioner has filed this Writ petition seeking direction to the 3rd respondent to give admission to the petitioner's son in L.K.G. Standard under the provisions of Right of Children to Free and Compulsory Education Act, 2009 as his place of residence is well within one kilometer distance as per data given in the Government website.

2. The case of the petitioner is that, the petitioner belongs to Scheduled caste community and he applied for L.K.G. admission for his son namely K.Chezhian in the 3rd respondent school and also four other schools namely Kamaraj Mat. HSS, Kalaimagal Vidyalaya Mat. HSS, I Max Nursery & Primary School and Little Heart Nursery & Primary School under Right to



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Education Act (in short 'RTE Act'), as the said schools are situated within one kilometer distance from the petitioner's residential place, as mandated.

Unfortunately, the petitioner could not get admission for his son in the above said four schools. However, the name of the petitioner's son is not even included in draw conducted by the 3rd respondent school on the ground that, the petitioner's residential place is beyond one kilometer from the school, which is wholly erroneous and there is no transparency in the admission process conducted by the 3rd respondent and the same is a clear violation of fundamental rights which guaranteed Right to free education to each child of weaker section of society. Hence, this Writ petition.

3. Heard learned counsel on either side and perused the material documents placed on record.

4. Since the 3rd respondent filed a counter affidavit stating that, totally 304 applications were received from the weaker sections/disadvantaged group for admission under the RTE Act for the academic year 2024-2025 and after carefully scrutinizing the said applications as per the guidelines, the eligible candidates were given admission under RTE Act and there is no such



violation or illegality as stated by the petitioner had taken place in the admission procedure and there is no seat available either under Management quota or under the 25% of seats reserved under the RTE Act in the 3rd respondent school, this Court, vide order 24.07.2024 directed the official respondents to ascertain the distance between the residence of the petitioner and the 3rd respondent school and file an affidavit, including the particulars of any other Government school within the radius of one kilometer from the petitioner's residence. Pursuant to the same, the 2nd respondent submitted the list of RTE Admission schools near the petitioner's residence, and a copy of the same was also furnished to the learned counsel for the petitioner.

5. Upon perusing the above said list of RTE Admission schools, the learned counsel for the petitioner submitted that, the petitioner agreed to get admission to L.K.G standard for his son in Maria Matriculation HSS, 24 West Mada Church Road, Royapuram-600 013 under the RTE Act.

6. In view of the above stand taken by the learned counsel for the petitioner, this Court, without going into the merits of the case, directs the 1st and 2nd respondents to ensure the admission of the petitioner's son to L.K.G.



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Standard in Maria Matriculation HSS, 24 West Mada Church Road,
Royapuram-600 013 under 25% quota under RTE Act for the academic year
2024-2025, as expeditiously as possible.

7. With the above directions, this Writ Petition stands disposed of. No
costs. Consequently, the connected Miscellaneous petition is closed.

30.10.2024

skt

NCC : Yes/No
Index : Yes/No
Speaking Order : Yes/No

Note to office: Issue order copy on 26.11.2024.

To:

1. The Chief Educational Officer,
Chennai District,
Presidency Girls Higher Secondary School,
Spur Tank Road, Egmore, Chennai – 600 008.
2. The District Educational Officer (Private Schools),
Chennai South Zone, Ambedkar School Campus,
Egmore, Chennai – 600 008.

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DATED : 30.10.2024

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THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

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V.Kumaresan

...Petitioner

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...Respondents

For Petitioner : Mr.S.Pushpakaran



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For Respondents : Mr.J.Ravindran
Additional Advocate General
assisted by
Mrs.Mythree Chandran
Special Government Pleader
for R1 and R2

ORDER

This matter is listed today under the caption "for being mentioned".

2. This Court, vide order dated 30.10.2024, disposed of this writ petition by directing the second respondent to ensure the admission of the petitioner's son to L.K.G in Maria Matriculation HSS, 24 West Mada Church Road, Royapuram-600 013 under 25% quota under RTE Act for the academic year 2024-2025. Thereafter, it is brought to the notice of this Court that the aforesaid School is the Minority Institution and is not coming under RTE Act and the said issue is pending before the Hon'ble Apex Court regarding applicability of RTE Act on the Minority Institution.

3. The learned Additional Advocate General appearing for the



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respondents produced the list of Schools available nearby the residence of the petitioner before this Court, in which, the learned counsel appearing for the petitioner has agreed to get admission to L.K.G for the petitioner's son in I Max N & P School, No.1 & 2, Thulasingham Street, Old Washermenpet-600 021.

4. Considering the submissions made, Paragraph Nos.5 and 6 of the order dated 30.10.2024 are recalled and substituted with the following paragraph:

"5. In view of the above, the second respondent is directed to ensure the admission of the petitioner's son to LKG in I Max N & P School, No.1 & 2, Thulasingham Street, Old Washermenpet-600 021, under RTE Act for the Academic year 2024-2025 within a period of one week from the date of receipt of a copy of this order, enabling the petitioner's son to continue his studies. However, this order may not be cited as a precedent in other cases. "



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10.12.2024

ssb

Note to office: Registry is directed to carry out necessary corrections and issue order copy on **10.12.2024**.



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ssb

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10.12.2024