



WEB COPY

W.P.No.19283 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.19283 of 2024
and W.M.P.No.21146 of 2024

Shanmugam

... Petitioner

Vs.

1. The Chief Educational Officer,
Office of the Chief Educational Officer,
No.500, Raja St, Near Five Corner,
Town Hall,
Coimbatore – 641 001

2. The District Educational Officer,
Office of the District Educational Officer,
Coimbatore – 641 001

3. The District Educational Officer (Private Schools),
Office of the District Educational Officer (Private Schools),
Ondiputhur,
Coimbatore – 641 016

4. N.G.R.A. Nursery and Primary School,
Represented by its Correspondent,
Coimbatore, Mahalingapuram,
Vellalur, Coimbatore – 641 111

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records and quash the Impugned Rejected Student list dated 28.05.2024 published by the 4th



W.P.No.19283 of

respondent and direct the respondents to admit my son S.Pradeep in the 4th respondent school under The Rights of Children to Free and Compulsory Education Act, 2009.

For Petitioner : Mr.M.Vijayaragavan

For Respondents : Ms.Akila Rajendran
Government Advocate for R1 to R3
: No appearance for R4

ORDER

This Writ Petition has been filed for quashment of the Impugned Rejected Student list dated 28.05.2024 published by the 4th respondent and to direct the respondents to admit the petitioner's son S.Pradeep in the 4th respondent school under The Rights of Children to Free and Compulsory Education Act, 2009.

2. The case of the petitioner is that he is the father of one S.Pradeed seeking a direction to the respondents, who being the authorities of the Education Department of the State of Tamil Nadu / R1 to R3, and R4, being N.G.R.A. Nursery and Primary School, Coimbatore to admit his child to Lower Kindergarten under the Right to Children to Free and Compulsory Education Act, 2009 (in short “RTE Act”). The child belong to the



W.P.No.19283 of

WEB COPY

Scheduled Caste (Arunthathiyar) Community and come under the category of “child belonging to disadvantaged group”. The petitioner had applied for admission in the 4th respondent school through online on 04.05.2024 vide application No.2388679 seeking benefit under Section 2(d) of the RTE Act. But the application has been rejected by the 4th respondent school on the ground that their residence was situated beyond one kilometre from the school and the 4th respondent had published the impugned rejected students list on 28.05.2024. Hence, this writ petition.

3. The learned counsel appearing for the petitioner submitted that there are sufficient vacancies in the respective schools for the present academic year under RTE quota. He also relied upon the following decisions in support of their prayer.

i) Lakshmanan V. The Chief Educational Officer and others (W.P.No.717 of 2023 dated 07.12.2023)

ii) A.Gopal V. The District Educational Officer and another (W.P.(MD) Nos.12153 & 12472 of 2022 order dated 26.07.2022) and

iii) Deepak Vs. The Chief Educational Officer and others (W.P.Nos.14910 and 14913 of 2024 dated 01.07.2024)



WEB COPY

4. The learned Government Advocate appearing for the respondents 1 to 3 filed counter affidavit and the salient features of the counter affidavit are as follows:

i) The residence of the petitioner is situated beyond 1 kilometre from respective 4th respondent schools.

ii) The petitioner has filed three applications by creating three IDs i.e.5762990, 2200905 and 2388679.

iii) Though the name of the father, child and address are same, the mobile numbers are different. Hence, according to the 3rd respondent, there has been suppression of facts.

iv) The cases relied on by the petitioners are distinguishable on facts.

v) There are two Panchayat Union Primary Schools, viz., Vellalapalayam No.1 and Vellalapalayam No.2 as well as Angawadis close to the residence of the petitioner.

vi) All welfare schemes are available in those schools and the petitioner could well have applied for admission there.

Therefore, the respondents prayed for rejection of the petitioner's prayer based on the aforesaid contentions.



5. Head the leaned counsel on either side and perused the materials available on record.

6. The case of the petitioner herein is similar to that of the dispute which arose in the Writ Petition in W.P.No. 14910 & 14913 of 2024 in *Deepak Vs. The Chief Educational Officer and others* and the same was allowed by an order dated 01.07.2024. In the said order, this Court has passed an interim order dated 14.06.2024 and the relevant portions are extracted hereunder:

“6...3. For the purpose of the present Writ Petitions, it is clear that R4 schools have vacancies for academic year 2024-25 to consider the applications of the children. The applications have, admittedly, been submitted before the school authorities (placed at page 39 in both Writ Petitions) on 04.05.2024.

4. Though R4 schools have been served and description printed, there is no appearance on their behalf. There is a direction to R4 schools to consider the applications of the petitioners- children in line with the prescriptions under the RTE Act and the directions in the case of S.Lakshmanan V. The Chief Educational Officer and others (order dated 07.12.2023 passed in W.P.No.717 of 2023).



WEB COPY



W.P.No.19283 of

5. *The petitioners will meet the concerned Correspondents/Principals of R4 schools on 20.06.2024 at 11.00 a.m. along with a copy of order dated 07.12.2023 passed in W.P.No.717 of 2023 and the present order, without awaiting any further notice in this regard.*

6. *Let the needful be done by the respective Correspondents/Principals in terms of admitting the children if they satisfy all the required criteria.*

7. *The aforesaid process shall be monitored by R3 to ensure that the spirit and object of the RTE Act is implemented by the schools strictly.*

21. *Since the categoric object of the Act is to make available education for children from pre~school to 8th standard, it is this parameter that is paramount in understanding the application of the Act. The object of providing education for the children upto 8th standard will override any technical concerns relating to the ages of the students itself.*

22. *In line with the above observations and the fact that R4 school in both Writ Petitions has, admittedly, vacancies as on date, I am of the considered view that both the children are entitled for admission to lower kindergarten in R4 school. Hence, mandamus is issued to respondents to take immediate action to admit the wards of the petitioners in LKG in R4 school, viz., N.G.R.A. Nursery and Primary School, Coimbatore (W.P.No.14910 of 2024) and Kalaivani Matriculation School,*



WEB COPY



W.P.No.19283 of

Coimbatore (W.P.No.14913 of 2024) with all the benefits of the RTE Act, after collecting necessary fee, forthwith.

23. These Writ Petitions are allowed. No costs.”

7. In the light of the aforesaid decision of this Court as mentioned supra, following the same observations and directions, this writ petition stands allowed. No costs. Connected Writ Miscellaneous Petition stand closed.

11.12.2024

mac

Index : Yes / No

Speaking order / Non-speaking order



WEB COPY

W.P.No.19283 of



VIVEK KUMAR SINGH, J.

mac

To

1. The Chief Educational Officer,
Office of the Chief Educational Officer,
No.500, Raja St, Near Five Corner,
Town Hall,
Coimbatore – 641 001
2. The District Educational Officer,
Office of the District Educational Officer,
Coimbatore – 641 001
3. The District Educational Officer (Private Schools),
Office of the District Educational Officer (Private Schools),
Ondiputhur,
Coimbatore – 641 016
4. N.G.R.A. Nursery and Primary School,
Represented by its Correspondent,
Coimbatore, Mahalingapuram,
Vellalur, Coimbatore – 641 111

W.P.No.19283 of 2024
and W.M.P.No.21146 of 2024

11.12.2024