



W.P(MD)No.13138 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **07.03.2024**

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.13138 of 2023

RK.Anburaja

...Petitioner

Vs.

1.The Director of Tamilnadu Private Schools cum State Chief
Relation Officer of Right to Education Act,
Directorate of Public Institution Building,
College Road, Nungambakkam, Chennai – 6.

2.The Director of Matriculation Schools,
Directorate of Matriculation Schools,
Directorate of Public Institution Building,
College Road, Nungambakkam,
Chennai – 6.

3.The District Educational Officer cum Inspector of
Matriculation Schools,
Pudukkottai District, Pudukkottai – 622 001

4.The Head Master,
St.Joseph Matriculation Higher Secondary School,
Thirumayam, Pudukkottai District – 622 507

5.The Inspector of Police,
Thirumayam,
Pudukkottai

...Respondents



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(R5 is *suo motu* impleaded vide court order dated 21.09.2023 in WP(MD)No.13138 of 2023 by BPJ)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of mandamus seeking a direction to the 2nd respondent to issue necessary direction to the 3rd respondent herein to revoke the recognition of the 4th respondent school for having violated the guidelines of the 1st respondent under the RTE Act, based on the representation dated 26.05.2023 made to the respondents 2 and 3.

For Petitioner : Mr.V.Pavel

For R1 to R3 : Mr.G.V.Vairam Santhosh
Additional Government Pleader

For R4 : M/s.Vijaya Sathya

For R5 : Mr.P.Kottaichamy
Government Advocate(Crl.side)

ORDER

This Writ Petition is filed for issuance of Writ of Mandamus seeking a direction to the 2nd respondent to issue necessary direction to the 3rd respondent herein to revoke the recognition of the 4th respondent school for having violated the



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guidelines of the 1st respondent under the Right of Children to Free and Compulsory Education Act, 2009, (hereinafter referred to as "the Act"), based on the representation dated 26.05.2023 submitted to the respondents 2 and 3.

2. The facts, which are necessary for disposal of this Writ Petition, are as follows:

The petitioner claims that he belongs to economically weaker section. He has applied for admission of his female child, by name, Kavi Sri, under the Act to the 4th respondent school on 26.04.2023. The 4th respondent school received the admission fees of Rs.1,000/- (Rupees One Thousand Only) from the petitioner. Later, admission was not given to the female child of the petitioner on the ground that the petitioner is not residing within 1 km radius. Therefore, the petitioner has filed this Writ Petition with the above stated prayer.



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3. The learned counsel for the petitioner submits that admission to the petitioner's daughter was rejected on the ground that the petitioner is not living within the radius of 1 km. However, all the candidates, who have been selected under the Act in the 4th respondent school, are also not residing within 1 km radius. The petitioner has also collected documents to prove the same and submitted a representation before the 2nd respondent. The 2nd respondent ought to have taken action against the 4th respondent school for violation of the Act. Since no action has been taken so far, the petitioner is before this Court.

4. A typed set of papers has been filed by the respondents 1 to 3, in which, a list of students admitted in LKG/1 STD 2023-24 under Section 12(1)(c) of the Act, 2009, has been annexed. A counter affidavit dated 13.07.2023 has also been filed by them.

5. The learned Additional Government Pleader appearing for the respondents 1 to 3 submits that as per G.O.(Ms.)No.66,



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School Education Department dated 07.04.2017, 25% reservation is provided for the students, who belong to disadvantaged group and weaker sections in the private schools. The petitioner is residing 10 kms away from the 4th respondent school and therefore, the petitioner is not eligible to get admission in 25% reservation under the Act for the academic year 2023-2024.

6. This Court gave its anxious consideration to the rival submissions and carefully perused the materials available on record.

7. As per the report of the respondents 1 to 3, the petitioner is residing 10 kms away from the school. One of the conditions for getting admission under 25% reservation is that the persons, who seek admission, should reside within 10 kms. However, the petitioner is residing 10 kms away from the school. Hence, I am not inclined to entertain this Writ Petition.



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8. If the petitioner is having grievance against the 4th respondent school and the manner in which the school runs, the remedy available to the petitioner is under the Act and the petitioner can also work out his remedy by filing a Public Interest Litigation.

9. In the result, this Writ Petition is dismissed. No costs.

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Index : Yes / No
NCC : Yes / No
CM

To,

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Matriculation Schools,
Pudukkottai District, Pudukkottai – 622 001

B.PUGALENDHI, J.

CM

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