



W.P.(MD)No.18152 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED 30.01.2024

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THE HONOURABLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**

W.P.(MD)No.18152 of 2023

T.Prabu

...Petitioner

/Vs./

1.The District Collector,
Office of Collectorate,
Thiruchirapalli District.

2.Sowdambiga Metric Higher Secondary School,
Rep. By its Principal,
Balasamudram,
Thottiyam,
Thiruchirapalli – 621 203.

...Respondents

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus seeking for direction to the 1st respondent to direct the 2nd respondent to comply with the provisions of the Right of Children to Free and Compulsory Education Act, 2009 and consequently direct the 2nd respondent to re-elect the selection process with presence of educational officer under the provision of the Right of Children to Free and Compulsory Education Act, 2009 based on the petitioner's representation dated 29.05.2023 within the period that may be stipulated by this Court.



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For Petitioner : Mr.M.Karunanithi

For Respondents : Mr.P.T.Thiraviyam (R1)

Government Advocate

Mr.M.Sudhagar Nagaraj (R2)

ORDER

This writ petition has been filed for issuance of writ of mandamus directing the 1st respondent to direct the 2nd respondent to comply with the provisions of the Right of Children to Free and Compulsory Education Act, 2009 and consequently direct the 2nd respondent to re-elect the selection process with presence of educational officer under the provision of the Right of Children to Free and Compulsory Education Act, 2009 based on the petitioner's representation dated 29.05.2023 within the period that may be stipulated by this Court.

2. The case of the petitioner is that the petitioner is a coolie worker and he had submitted an application under the provisions of the Right of Children to Free and Compulsory Education Act, 2009, seeking admission of his daughter for LKG for the year 2023-2024 to the second respondent school. But the petitioner's daughter's name was not found in the selection list. The petitioner made a representation to the respondents in this regard on



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29.05.2023. Since the same has not been considered till date, the present writ

petition has been filed.

3. The learned counsel appearing for the petitioner submits that entire exercise of drawing lot and selecting the children is a fraudulent exercise and the Right of Children to Free and Compulsory Education Act, 2009, was brought only for the welfare of the downtrodden and weaker section students and hence, he prays this Court to allow this writ petition.

4. The learned Government Advocate appearing for the first respondent produced the status report of the District Educational Officer, Trichy, which was filed on the direction issued by the Hon'ble Chief Minister Cell to take appropriate action on the writ petitioner's complaint. It is stated in his report that after due verification, the selection and admission was done by the second respondent school only by following the norms prescribed for implementing the aforesaid scheme and there is no malpractice of the records produced.

5. The learned counsel appearing for the second respondent filed typed set of papers along with counter affidavit, wherein it is stated that the allegations made by the petitioner are false and that the Director of Tamil Nadu



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Private Schools and Principal Coordinator for Free and Compulsory Education

for children had issued proceedings in Na.Ka.No.3605/E1/2023 dated 17.04.2023 directing the private schools to allot minimum 25% seats to the weaker section students who were declined admission in aided non minority institutions. For the academic year 2023-24, 61 applicants were found to be eligible for 35 seats. Hence, lot was conducted and initially 35 students were selected in the lot and their names were published in the notice board and 20 applicants were kept in waiting list through the lot, in which the petitioner's daughter name was found in 5th place. If any selected students do not join the school, priority will be given to the students those who are in the waiting list. Hence, he prayed for dismissal of this writ petition.

6. Heard the learned counsel appearing for the petitioner and the learned Government Advocate and the learned counsel appearing for the respondents.

7. It is seen that the Right of Children to Free and Compulsory Education Act, 2009, was brought for the welfare of the downtrodden and weaker section students and the poor people who are seeking admission has to be considered. The petitioner's daughter is now studying LKG. Considering the case of the petitioner, this Court directs the petitioner to apply for admission of his



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daughter in the school for the academic year 2024 – 2025 under the aforesaid scheme and the same shall be considered by the authorities on merits and in accordance with law.

8. With the above directions, this writ petition is disposed of. No costs.

30.01.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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V.BHAVANI SUBBAROYAN, J.

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TO:-

- 1.The District Collector,
Office of Collectorate,
Thiruchirapalli District.

Order made in
W.P(MD)No.18152 of 2023

Dated:
30.01.2024