



WEB COPY

W.A.No.780 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2025

CORAM

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR**

W.A.No.780 of 2025

and

CMP No.6701 of 2025

1. The Director (Private Schools),
Directorate of Private Schools,
College Road,
Chennai - 6.
 2. The District Educational Officer (Private Schools),
DEO Office, No.309,
Collectorate,
Salem.
 3. The Chief Educational Officer,
No.301, Collectorate,
Salem - 636 001.
 4. The Headmaster,
Government Higher Secondary School,
Chinnasorakai, Mettur Taluk,
Salem District.
- ... Appellants

Vs.

1. Krishnaveni
 2. The Principal,
Sri Rajendra Nursery & Primary School,
Selavadai Village, Doramangalam Post,
Omalur Taluk, Salem District.
- ... Respondents



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Prayer: Writ appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 29.07.2024 made in W.P.No.17088 of 2024.

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For Appellants

: Mr.J.C.Durai Raj
Additional Government Pleader

JUDGMENT

(Judgment of the Court was made by **S.M.SUBRAMANIAM, J.**)

Challenge is to the order of the learned single Judge made in W.P.No.17088 of 2024 dated 29.07.2024, in and by which, a direction has been issued to the 2nd respondent / District Educational Officer (Private Schools) and the 5th respondent / School to admit the child of the petitioner in 5th respondent School, upon payment of necessary fees by the petitioners, therein.

2. No doubt, Rule 4 of the State Rules, prescribes that a child should be a resident within 1 kilometre radius from the School concerned. But, this being a beneficial enactment, we cannot adopt a straight jacket formula. If the child is willing to attend the school, it is not open to the Government to say that the child should not be admitted in a particular school.



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3. In the case on hand, the school, in which the children have been directed to be admitted have not challenged the order made in the writ petition. It is only the educational authorities, who have come to Court with a hyper-technical stand that the children are residing beyond the distance of 1 kilometre from the school concerned and therefore, admissions cannot be granted. We do not think, the State is aggrieved by this order.

4. The learned Government Pleader would however, submit that if the children are admitted in other schools also, the Government will have to pay the fees. Therefore, we do not see any grievance for the appellants due to the order of the learned single Judge. Hence, this Writ Appeal is **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S,J.] [K.R.S,J.]

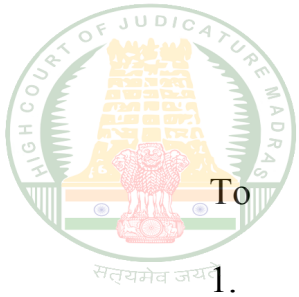
25.03.2025

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Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No



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