



WEB COPY



W.P.No.14189 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-04-2025

CORAM

THE HONOURABLE MRS JUSTICE N. MALA

WP No. 14189 of 2025

and

WMP No. 15942 of 2025

C.Balasubramanian,
S/o.Chindambaram,
(Guardian/ Paternal Uncle of minor ward C.N.Varun Sethupathy)
No. 34, Palmgrove Apartment,
9th Cross Street, 1st Floor,
Besant Nagar, Chennai – 600 090.

... Petitioner

Vs

The Principal,
Kendriya Vidyalaya,
IIT Campus,
Chennai 600 036.

... Respondent

Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the Respondent to forthwith grant admission to the Petitioner's Ward, Master C.N. Varun Sethupathy, in Balavatika -I, Kendriya Vidyalaya, IIT Campus as per his selection in Lottery No.5 conducted under the RTE quota.

For Petitioner : Mr.R.Palaniandavan
For Respondent : Mr.M.Vaidhiyanathan



W.P.No.14189 of 2025

ORDER

WEB COPY

Writ petition is filed for issuance of a Writ of Mandamus, directing the respondent to grant admission to the Petitioner's Ward, Master C.N. Varun Sethupathy, in Balavatika -I, Kendriya Vidyalaya, IIT Campus, as per his selection in Lottery No.5, conducted under the RTE quota.

2. The brief facts are that, the petitioner as the paternal uncle of the child, Master C.N.Varun Sethupathy, applied for admission to Balavatika -I, Kendriya Vidyalaya, IIT Campus, Chennai, on 29.03.2025. The petitioner's nephew was selected for admission, (Lottery No.5) in a lottery drawn for selection under the RTE quota. The respondent on perusal of the application found that in the Aadhar card produced by the petitioner, the initial of the petitioner differed with that of the ward. The respondent also found that OBC Certificate was not enclosed along with the application. The petitioner therefore submitted a letter on 29.03.2025, stating that it was only a clerical error and further sought for three weeks' time to produce the OBC certificate. Subsequently, the petitioner was informed by the respondent's office on 01.04.2025, that the wards admission had been rejected on the aforesaid two grounds. The petitioner thereafter immediately sent representation on 02.04.2025, objecting to the rejection of the application. The petitioner also clarified that he was the

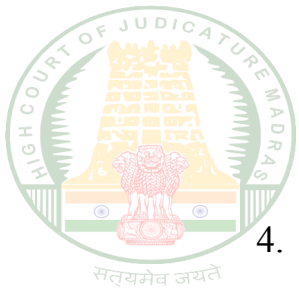


W.P.No.14189 of 2025

paternal uncle and the guardian of the boy and that as his brother did not have

the means to educate his son, the petitioner had taken upon himself the responsibility of educating his nephew. The petitioner also submitted a further representation on 04.04.2025, along with the OBC certificate. In spite of aforesaid clarification, the respondent rejected the admission and therefore, the petitioner was constrained to file the above writ petition for the aforesaid relief.

3. The respondent filed a counter, stating that the petitioner had failed to prove by documentary evidence that he was the legal guardian and paternal uncle of the ward. The respondent submitted that the petitioner had failed to produce OBC certificate of the ward on or before 24.03.2025, the last date of submission of application. According to the respondent's, the petitioner was trying to obtain a seat under the RTE Act, in violation of neighbourhood criteria, mandated under the RTE Act and also that, as per the prevailing norms only, the Aadhar card of the parents was taken as valid address for the purpose of verification. The respondent stated that on verification of the parent's address, it was evident that they were residents of Tenkasi and further there were no records to support the petitioner's claim that he was the legal or local guardian of the ward. The respondent therefore stated that the writ petition deserved to be dismissed.

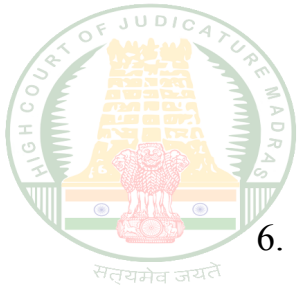


W.P.No.14189 of 2025

4. From the counter affidavit of the respondent, it is clear that three objections were raised for denial of admission of the ward under the RTE quota.

The first objection related to the guardianship of the petitioner, second objection related to neighbourhood criteria and the third objection related to the OBC certificate.

5. With regard to the first objection, (i.e.) guardian-ship of the petitioner to the ward, the petitioner in his affidavit has clearly stated that he is the paternal uncle of the ward and as his brother could not afford the educational expenses of his son, the petitioner had taken upon himself the responsibility of educating his nephew. The wards father also filed an affidavit stating that he was under severe financial hardship and in order to secure best education for his son, he requested his brother, the petitioner herein, to apply for admission of his son under the RTE quota, in the respondent's school. In the said affidavit, the wards father, further stated that he had expressly given full consent and permission to his brother to act as a local guardian of his minor son, to bear all educational expenses, to apply for admission, submit required documents, and to make necessary declarations before authorities. When the father of the ward has himself admitted that his blood brother would act as local guardian of the ward, the insistence of further proof, in my view is untenable.



W.P.No.14189 of 2025

6. In so far as OBC certificate is concerned, it is not disputed that the ward belongs to OBC community. At the time of the application, the petitioner was not able to obtain the OBC certificate and therefore, the petitioner sought time from the respondent to produce OBC certificate, vide letter dated 29.03.2025. The OBC certificate is now annexed to the typed set of papers and therefore the said condition is also satisfied.

7. In so far as the last objection regarding non-compliance with the neighbourhood criteria is concerned, the same cannot be permitted for denying admission under the RTE quota. The object and intent of the RTE quota is to encourage persons who belong to lower strata of the society, to educate their children and also to ensure that children belonging to the lower strata of society are not deprived of best education. The present case is very peculiar in the sense that, though the wards parents belong to a remote village in Thenkasi District, where there are no KV Schools within 5 Kilometers from the village of Kothainachiyapuram, Sankarankoil, Tenkasi District, they desire to educate their child in Kendriya Vidyalaya, Chennai, with the support of their brother who is residing in Chennai. In my view, under the facts and circumstances of the case the denial of admission to Master C.N.Varun Sethupathy, on the ground of neighbourhood criteria, would defeat the object of the beneficial



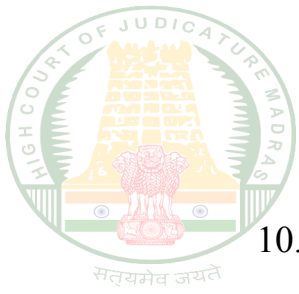
W.P.No.14189 of 2025

WEB

legislation. It is only to encourage parents to send their wards to schools with best infrastructure and training that the RTE act, has been enacted allocating 25% seats to children belonging to lower strata of the society. When there is no private school within 16 Kms of the wards parents residence, the ward cannot be deprived of education, moreso, when the parents are willing to send the child to Chennai, to his paternal uncle's house, for the purpose of his education.

8. The facts of the case clearly reflect that the parents of the ward are illiterate, and it is only with the support of the petitioner, the paternal uncle of the ward that admission was sought in the respondent school, under the RTE quota. In my view, deprivation of admission, under the said circumstances will render the avowed object of the Right to Education guaranteed under Article 21(A) meaningless.

9. At this juncture it will be relevant to mention here that the parents of the ward appeared in person before this Court. The parents of the ward clearly stated that the boy's mother would reside in Chennai, to take care of him, if seat is given to the ward in the respondent school.



W.P.No.14189 of 2025

10. I therefore find merit in the writ petition and hence the same is allowed. It is informed by the respondent's that the seat's for the academic year 2025 are not available, as all seats were filled. Considering the peculiar facts and circumstances of the case, the respondent is directed to admit the ward, Master C.N. Varun Sethupathy, in Balavatika -I, Kendriya Vidyalaya, IIT Campus, Chennai for the next Academic Year (i.e.) 2026-27.

11. The Writ petition is accordingly allowed. However there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

30.04.2025

Index: Yes/No
Speaking order / Non speaking order
Neutral Citation: Yes/No
dsn

To
The Principal,
Kendriya Vidyalaya,
IIT Campus,
Chennai 600 036.



WEB COPY



W.P.No.14189 of 2025

N. MALA, J.

dsn

W.P No. 14189 of 2025

30.04.2025