



WEB COPY

W.A.No. 3779 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.No. 3779 of 2024
and
C.M.P.No. 29689 of 2024

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 Education Officer,
Office of the District Education Officer,
Coimbatore - 641 001.

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

...Appellants

Vs.

1.Deepak

2.N.G.R.A.Nursery and Primary School,
Rep. by its Correspondent,
Coimbatore, Mahalingapuram,
Vellalur, Coimbatore - 641 111.

...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 01.07.2024 made in W.P.No.14910 of 2024.

1/5



For Appellants : Mr.R.Neethi Perumal

Government Advocate

For Respondents : Mr.S.Lakshmi Narayanan

R2 - No Appearance

J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

Challenge is to the order of the learned single Judge made in W.P.Nos. 14910 & 14913 of 2024 dated 01.07.2024, in and by which, a direction has been issued to the 4th respondent / schools in each writ petitions to admit the child of the petitioner in both writ petitions under the Right to Children to Free and Compulsory Education Rules, 2011 and a direction was issued to the respondents 1 to 3 to pay the fees of the children. The sole ground, on which, the challenge is mounted by the appellants /Education Department is that the children are residing beyond the distance of 1 kilometre from the schools. The learned single Judge also find that the seats are vacant in the schools concerned.

2. No doubt, Rule 4 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

2/5



W.A.No. 3779 of 2

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 schools, in which the children have been directed to be admitted have not challenged the order made in the writ petitions. 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.

(R.S.M., J.) (C.K., J.)
02.01.2025

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Index: No
Speaking order
Neutral Citation : No

3/5



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and
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