



W.P.(MD).No.25709 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.25709 of 2024

and

W.M.P.(MD)Nos.21789 to 21791 of 2024, 375 and 489 of 2025

M.Hariharan

... Petitioner

Vs.

1.The Deputy Commissioner,
Kendriya Vidyalaya KV Sangathan ROIIT,
Chennai – 600 036.

2.The Chairman,
VMC Kendiya Vidyalaya Golden Road (SR),
Trichy – 620004.

3.The Principal,
Kendiya Vidyalaya Golden Road,
Trichy.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned cancellation of Admission order in File No.2319/KVGOC/2024-25/81 to 83 dated 16.10.2024 passed by the 3rd respondent and quash the same and consequently directing the 3rd respondent to ensure the continuance of studies of petitioner daughter in 3rd standard by considering the petitioners representation dated 18.10.2024.



WEB COPY



W.P.(MD).No.25709 of 2024

For Petitioner	: Mr.D.S.Haroon Rasheed
For Respondents	: Mr.E.T.Rajendran Standing Counsel

ORDER

This Writ Petition is filed, to quash the impugned cancellation of Admission order in File No.2319/KVGOC/2024-25/81 to 83 dated 16.10.2024 passed by the 3rd respondent and to direct the 3rd respondent to ensure the continuance of studies of petitioner daughter in 3rd standard, by considering the petitioner's representation dated 18.10.2024.

2.Heard the learned counsels on either sides and carefully perused the materials available on record.

3.The petitioner's daughter namely, R.K.H.Jeyalakshmi is studying 3rd standard in the third respondent School as on date. During 2021, the petitioner applied for admission of R.K.H.Jeyalakshmi in 1st standard in the third respondent School through online. He has made an application under category no.1, which is with respect to the children of transferable and non transferable Central Government employees and children of ex-servicemen. However, on scrutiny of the application made by the petitioner, the petitioner was advised to make his application under category no.2, which is



W.P.(MD).No.25709 of 2024

with respect to children of transferable and non transferable employees of Autonomous Bodies/Public Sector Undertaking/Institute of Higher Learning of the Government of India. Hence, the petitioner applied afresh by indicating his service category under category no.2. Thereafter, the application was scrutinized and the child was admitted in first standard in the third respondent School for the academic year 2021-2022. While so, the impugned order dated 16.10.2022, came to be passed by the third respondent, cancelling the admission of the petitioner's ward, for the reason that the petitioner will not fall under the category no.2, since he is an employee of Southern Railways Employees' Co-Operative Loan Society Limited. Challenging the same, this Writ Petition is filed.

4.The learned counsel appearing for the petitioner submitted that after a period of three years from the date of admission of the petitioner's ward and having permitted the petitioner's ward to continue her studies from first standard to 3rd standard in the mid of the academic year, the impugned order came to be passed, cancelling the admission for extraneous reasons. The reason, which is reflected in the impugned order is only a formality. But the actual issue, which led to the issuance of such an impugned order was with respect to the indifferences, which crept in between the teaching staff of



W.P.(MD).No.25709 of 2024

the third respondent School and the petitioner's mother in dealing with the internal problems among the wards.

5.Per contra, the learned counsel appearing for the third respondent School categorically contended that the petitioner at the time of admission, had suppressed the fact that he neither fall under category no.1 or category no.2 and he is not at all Central Government employee and had made application at the first instance that he fell under the category no.1 and later modified his application as that he would be covered under category no.2, when he is not as Central Government employee at all. In this regard, it was brought to the knowledge of the third respondent School that the employer of the petitioner, that is, Southern Railway Employees Cooperative Society Limited is not at all a Central Government institution. For which, they have required proper clarification from the Senior Division Officer of the Southern Railway, Tiruchirappalli. It was clarified by the Senior Division Officer of Southern Railway, Tiruchirappalli, on 24.09.2024, that the employees of the Southern Railway Employees Cooperative Society Limited are neither the employees of the Southern Railway nor the employees of Central Government. Considering the fact that the petitioner had suppressed the information of his employment at the time of admission, the admission of the petitioner's ward came to be cancelled by the impugned order. That



W.P.(MD).No.25709 of 2024

WEB COPY

apart, he also categorically submitted that the petitioner's wife had invited unnecessary troubles with the teaching staff by instigating the petitioner to lodge a police complaint with respect to the treatment of children by the teaching staff in the School before the jurisdictional police station. As a result of which, the police frequented to the school very often disturbing the proper conduct of the School and administration of the school, causing inconvenience and thereby damaging the goodwill of the school administration. The conduct of the petitioner and his wife, as parents, will not be one of model parents and even if they had any problem as to the administration or condition of school, the way out for them was to approach the Parent Teachers Association of the School as well as the Principal of the School for appropriate relief. Instead they have preferred to approach their local police station for trivial issues among the children, equating the same as law and order problem and that was not taken well by the administration of the school and hence, the impugned order came to be passed.

6.I am of the considered view that the guidelines for admissions in Kendriya Vidyalaya Sangathan has categorized 5 categories for giving priority in admission. Though the petitioner will not fall under the 1st and 2nd category, he will definitely fall under the category no.5, which is with respect to the children from any other category, who are not covered by category



W.P.(MD).No.25709 of 2024

nos.1 to 4 listed in the aforesaid guidelines. Hence, even if the petitioner's ward will not fall under category nos.1 to 4, definitely she will fall under category no.5. Having allowed the petitioner's ward to continue education for 3 long years, in the mid of the third standard academic year, the third respondent's attitude of passing the impugned order by cancelling her admission is not sustainable.

7.The Hon'ble High Court of Jammu and Kashmir has dealt with a similar case in the **Reena Kumari versus Kendriya Vidyalaya Sangathan** in **Writ Petition (MD)No.1012 of 1997** dated 30.11.1998 and has categorically held that the School will be equitably estopped from cancelling admission, after allowing a child to continue education for a considerable period of time.

8.In view of the same, the impugned order is hereby set aside and the third respondent school is directed to permit the petitioner's ward to continue her studies in the third respondent School. However, this Court is of the considered view that either the petitioner or his wife should not take extraneous matters to the police station as far as the school administration is concerned, if at all the petitioner has got any grievance as to the conduct of School or conduct of Teachers or administration of the school, the same



W.P.(MD).No.25709 of 2024

should be dealt with by the petitioner and his family only by ventilating their grievance to the Principal of the third respondent School.

9.With such observation, this Writ Petition stands allowed. No costs.
Consequently, connected miscellaneous petitions are closed.

24.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

To

- 1.The Deputy Commissioner,
Kendriya Vidyalaya KV Sangathan ROIIT,
Chennai – 600 036.
- 2.The Chairman,
VMC Kendiya Vidyalaya Golden Road (SR),
Trichy – 620004.
- 3.The Principal,
Kendiya Vidyalaya Golden Road,
Trichy.



WEB COPY



W.P.(MD).No.25709 of 2024

L.VICTORIA GOWRI, J.

Mrn

W.P.(MD).No.25709 of 2024

24.01.2025