

(2014) 06 KAR CK 0031

In the Karnataka High Court

Case No : Writ Petition No. 5524 of 2014 (EDN-RES)

Bethel Educational Trust

APPELLANT

Vs

State of Karnataka

RESPONDENT

Date of Decision : 10-06-2014

Acts Referred:

Citation : (2014) 4 KarLJ 469 : (2014) 4 KCCR 3199

Hon'ble Judges : A.S. Bopanna, J

Bench : Single Bench

Advocate : Basavaraju S., Advocate for the Appellant; Swetha Krishnappa, High Court Government Pleader, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

A.S. Bopanna, J.—The petitioner is before this Court seeking for a declaration that the action of the respondents mandating the petitioner to admit the children from first standard instead of LKG level is contrary to the provisions of the Right of Children to Free and Compulsory Education Act, 2009 as illegal and without jurisdiction. In that view, the notice dated 25-1-2014 at Annexure-M is assailed. The petitioner is also seeking that the respondents be restrained from meddling with the admission process of the petitioner. Though contentions have been urged in the instant petition with regard to the action of the respondents being contrary to law and notice dated 25-1-2014 is assailed, the nature of the proceedings in the instant petition requires to be noticed for the purpose of disposal of the petition.

2. The fact that the petitioner institute was required to make admissions as provided under the RTE Act is not disputed by the petitioner and they have not sought to contend any exemptions thereto. Since, the respondents had issued the communication stating that the admissions being made to LKG is contrary, the petitioner is before this Court referring to the circular dated 1-1-2013 with regard to the manner in which the admissions are to be made, if the school concerned imparts education for LKG and UKG. In that view, this Court on

12-2-2014 has passed the interim order as hereunder: "It is made clear that the petitioner having made admissions from the LKG level, it is at the LKG level that the petitioner is ready to give up 24 seats out of 97 of the intake and it is open for the respondents to admit eligible candidates to the extent of 24 seats in the LKG".

A perusal of the same would indicate that this Court had taken note of the fact that the petitioner has allowed 24 seats to be filled in by the respondents in LKG. Keeping in view the fact that the provisions of the Act requires that once the admission is made, the process would continue till the 8th standard, the admissions made to the LKG for the present academic year would automatically be to the benefit of the student to gain admission to the higher classes on being promoted. Therefore, at this juncture, it is unnecessary to decide the validity of the impugned notice dated 25-1-2014, since due to the subsequent development and the interim order herein, the compliance of the requirement of the Act stands satisfied. In that view, the petition is disposed of in the above terms.