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W.A.No.1438 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No.1438 of 2026
and C.M.P.No.13305 of 2026

The Principal
Kendriya Vidyalaya, IIT Campus,
Chennai 600 036

Appellant

Vs

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.

Respondent

PRAYER: Appeal filed under Clause 15 of the Letters Patent to set aside the order passed by the learned Single Judge in W.P.No.14189 of 2025, dated 30.04.2025.



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W.A.No.1438 of 2026

For Appellant(s): Mr.M.Vaidhiyanathan

For Respondent(s): Mr.G.Rajkumar
and Mr.R.Palaniandavan

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

This writ appeal filed under Clause 15 of the Letters Patent assails the order dated 30.4.2025 passed in W.P.No.14189 of 2025, whereby the learned Single Judge has allowed the writ petition directing the appellant 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.

2. Learned counsel for the appellant submitted that the appellant is mainly aggrieved by the age of the ward, who has already crossed 4 years, and he is now over-aged by about 6 months for admission to Balavatika-I, Kendriya Vidyalaya, IIT Campus, Chennai for the academic year 2026-27. Learned counsel for the appellant further submitted that the direction of the learned Single Judge is contrary to Kendriya Vidyalaya Sangathan Age Criteria Guidelines (2025-26) which



W.A.No.1438 of 2026

provides that a ward can be admitted in Balavatika-I up to the age of 4 years only.

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3. Heard learned counsel for the respondent, who reiterated the reasoning that weighed with the learned Single Judge in allowing the writ petition.

4. The writ petition was filed in the year 2025. The learned Single Judge considering the fact that the parents of the ward are illiterate, summoned them and it was stated by them that the boy's mother would reside in Chennai to take care of him, if seat is given in the appellant's school. The learned Single Judge also noticed that the ward belongs to OBC community and that it is only to encourage parents to send their wards to schools with best infrastructure and training that the Right to Education Act has been enacted allocating 25% seats to children belonging to lower strata of the society. In such context, the learned Single Judge held that deprivation of admission will render the avowed object of the right to education guaranteed under Article 21A of the Constitution of India meaningless. We do not find any error in the order passed by the learned Single Judge.



W.A.No.1438 of 2026

5. However, considering the fact that the ward is already over-aged at the time of issuance of direction by the learned Single Judge, we relax the age as a special case in respect of the ward Master C.N.Varun Sethupathy. The appellant is directed to create an additional seat, if necessary to accommodate the ward in Balavatika-I, Kendriya Vidyalaya, IIT Campus, Chennai. The order of the learned Single Judge be complied with forthwith. It is made clear that this order will not be treated as a precedent. The respondent may approach the school at the earliest for getting admission.

The writ appeal stands disposed of modifying the order passed by the learned Single Judge to the extent indicated above. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)
08.06.2026

Index : Yes/No
Neutral Citation : Yes/No
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W.A.No.1438 of 2026

THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

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