



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2024

PRESENT

THE HON'BLE MR. N. V. ANJARIA, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT APPEAL No. 1305 OF 2024 (EDN-RES)

BETWEEN:

1. MASTER SHAMANT P.,
S/O B. PRASHANT KUMAR,
MINOR, (AGED ABOUT 6 YEARS),
REPRESENTED BY NATURAL GUARDIAN,
FATHER SRI B. PRASHANTH KUMAR,
S/O C.S. BYREGOWDA,
AGED ABOUT 40 YEARS,
R/AT No. 1/1, NEW No. 234,
2ND FLOOR, 4TH CROSS,
2ND BLOCK, NANDINI LAYOUT,
BENGALURU NORTH, PIN 560 096.
2. MASTER SANTHOSH G.,
S/O GANGANNA N.,
MINOR, (AGED ABOUT 6 YEARS),
REPRESENTED BY NATURAL GUARDIAN,
MOTHER SMT. THARA R. V.,
W/O GANGANNA N.,
AGED ABOUT 37 YEARS,
R/AT No.62, 5TH MAIN ROAD,
2ND CROSS, MATHIKERE EXTENSION,
M.S.R.I.T. POST,
BENGALURU 560 054.
3. KUMARI HARSHIKA B.,
D/O GOLLAPALLI BALAJI,
MINOR, (AGED ABOUT 06 YEARS),
REPRESENTED BY NATURAL GUARDIAN,





MOTHER SMT. G. RADHA,
W/O GOLLAPALLY BALAJI,
AGED ABOUT 32 YEARS,
R/AT No.2, OLD RAILWAY COLONY,
KRISHNA TEMPLE ROAD,
DODDABOMMASANDRA,
VIDYARANAYAPURA POST,
BENGALURU 560 097.

4. KUMARI MANVITHA,
D/O JANARDHANA D.,
MINOR, (AGED ABOUT 6 YEARS),
REPRESENTED BY NATURAL GUARDIAN,
MOTHER SMT. BRUNDA M.,
W/O JANARDHANA D.,
AGED ABOUT 30 YEARS,
R/AT 517, 2ND BLOCK,
PEENYA ANJANEYA TEMPLE ROAD,
BENGALURU NORTH ,
PEENYA SMALL INDUSTRIES,
PIN 560 058.

...APPELLANTS

(BY SRI SRIKANTH M. P., ADVOCATE)

AND:

1. THE UNION OF INDIA,
MINISTRY OF EDUCATION,
SHASTRI BHAVAN,
NEW DELHI 110 001,
REPRESENTED BY ITS SECRETARY.
2. THE KENDRIYA VIDYALAYA SANGATHAN,
No.18, INSTITUTIONAL AREA,
SHAHEED JEETSINGH MARG,
NEW DELHI 110 016,
REPRESENTED BY ITS COMMISSIONER.
3. THE DIRECTOR,
INDIAN INSTITUTE OF SCIENCE,
BENGALURU 560 012.



4. THE REGISTRAR,
INDIAN INSTITUTE OF SCIENCE,
BENGALURU 560 012.
5. THE ASSISTANT REGISTRAR,
INDIAN INSTITUTE OF SCIENCE,
BENGALURU 560 012.
6. THE KENDRIYA VIDYALAYA,
INDIAN INSTITUTE OF SCIENCE,
BENGALURU - 560012.
REP. BY ITS PRINCIPAL,
7. KUMARI SHOBHITA B.,
D/O BABU N.,
MINOR, (AGED ABOUT 6 YEARS),
REPRESENTED BY NATURAL GUARDIAN,
MOTHER SMT. M. LATHA.,
W/O N. BABU,
C/O MUNISWAMY C.,
AGED ABOUT 38 YEARS,
R/AT 2, 6TH A CROSS,
SUBEDAR PALYA,
BENGALURU 560 022.

...RESPONDENTS

(BY SRI SHANTHI BHUSHAN H., DSGI FOR R1)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER DATED 08.07.2024 PASSED IN WP No.12974/2024 (EDN-RES) BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT.

THIS WRIT APPEAL COMING ON FOR PRELIMINARY HEARING THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:



CORAM: HON'BLE THE CHIEF JUSTICE MR. JUSTICE
N. V. ANJARIA
and
HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE K. V. ARAVIND)

Heard learned advocate Mr. M.P. Srikanth for the appellants and learned Deputy Solicitor General of India Mr. H. Shanthi Bhushan for respondent No.1.

2. The instant intra court appeal under Section 4 of the High Court Act, 1961, aggrieved by the order in Writ Petition No.12974 of 2024 dated 08.07.2024.

3. The brief facts as available from the pleadings are that the appellants are grandchildren of employees of Indian Institute of Science, Bengaluru. The appellants filed an online application seeking admission to respondent No.6-School for the academic year 2024-2025. The appellants claimed preference under "Grandparents Sponsoring Quota" in the application. Respondent No.6 issued an endorsement informing that the "Grandparents Quota of Sponsoring IHL" is unavailable for the academic year.



4. Learned Single Judge rejected the writ petition holding that the priority in admission cannot be construed to be a vested right. Further held that priority based on previous academic year guidelines is not permissible in view of guidelines 2024-25 governing admissions to the academic year under consideration.

5. Learned advocate Mr. M.P. Srikanth, appearing for the appellants, submits that the guidelines for admission provide for priorities in admission. Clause 3(B)6 provides priority in admission to the children when not covered under any specific categories. It is submitted that the grandchildren of serving/retired employees are provided preference in the guidelines governing the earlier academic years, and the case attracts the residuary clause.

5.1 Learned advocate further submits that the guidelines for the academic year 2023-2024 provided preference in admission to the grandchildren of serving/retired employees. There was no residuary category in the guidelines 2023-2024. However, in the guidelines 2024-2025, the priority to grandchildren of the serving/retired employees though not expressly provided, as no such restriction is imposed, the priority is to be considered as per the residuary clause.



6. Learned Deputy Solicitor General of India Mr. H. Shanthi Bhushan appearing on behalf of respondent No.1 by reiterating the stand taken in the writ petition, submits that the priorities are provided with an object to cater for the educational needs of children of transferable Central Government employees and other objectives. The priorities are based on the advice of the Board of Governors, consisting of eminent educationists and administrators from all over the country. The priorities provided are an expert decision and a matter of policy. The priority provided is to be extended on a case-to-case basis. The appellants cannot claim the priority as a matter of vested right.

6.1 It is submitted that the request for priority on the grandparent's quota cannot be extended when such priority is not provided in the guidelines 2024-2025. A request for priority based on the earlier guidelines without challenging the guidelines 2024-2025 is not sustainable.

7. Having heard learned advocates for the parties, the only grievance of the appellants is to the rejection of priority under grandparents quota as against such priority in guidelines 2023-2024. The appellants filed an application seeking admission for the



academic year 2024-2025. Respondent No.6 has issued guidelines to govern the admission process for the academic year 2024-2025. As can be noticed from the guidelines, the preference to the grandchildren of the serving/retired employees is not provided.

8. The guidelines 2023-2024 made available to the Court would evidence preference expressly provided to the grandchildren of serving/retired employees. When such a preference is specifically not provided in the guidelines 2024-2025, which governs the admission process for the academic year 2024-2025, the admission of the appellants cannot be considered as per guidelines 2023-2024.

9. The contention of the appellants is that though preference for grandchildren is not expressly provided in guidelines 2024-2025, such preference was available in the previous academic years, and the preference needs consideration under the residuary clause, which is unsustainable. When preference was expressly provided in the earlier year guidelines and such preference is conspicuously absent in the guidelines 2024-2025, the reading of the preferences in the passion as suggested by the appellants is not permissible,



that too in view of the specific stand taken by the respondent-authorities that the quota for grandchildren is not intended nor provided for.

10. In the absence of a challenge to guidelines 2024-2025, the exclusion of preference for grandchildren can neither be faulted nor interfered with by the Court. Further case for interference is also not made in the light of decision to exclude the preference was made based on expert advice and as a policy decision. Once it is found that the endorsement issued impugned in the writ petition conforms with the guidelines 2024-2025, the same needs no interference.

11. Learned Single Judge on comparison of the list of priorities as provided in guidelines 2023-2024 and 2024-2025 has rightly held that the priority in admission cannot be construed to be a vested right and priority provided in the previous academic year cannot be enforced as a legal right for continuation of such quota.

12. In light of the change of priorities in the guidelines 2024-2025 and the sound and well-acceptable reasons assigned by the



learned Single Judge, no error can be booked to interfere with the order. Appeal dismissed.

In view of dismissal of main appeal, pending interlocutory applications do not survive for consideration and are disposed of.

Sd/-
(N. V. ANJARIA)
CHIEF JUSTICE

Sd/-
(K. V. ARAVIND)
JUDGE

MV
List No.: 1 Sl No.: 21