



Serial No. 01
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 84 of 2026

Date of Decision: 22.05.2026

Smti. Deepali Patel,
W/o Shri P. Patel,
Resident of Motinagar, Shillong,
East Khasi Hills District, Meghalaya

..... Petitioner

- Vs-

1. State of Meghalaya
Represented by the Secretary to the Govt. of Meghalaya,
Education Department, Shillong.
2. St. Edmund's School, Shillong,
East Khasi Hills District, Meghalaya.
Represented by its Secretary,
Governing Body/Managing Committee.
3. The Principal,
St. Edmund's School, Laitumkhrah, Shillong,
East Khasi Hills District, Meghalaya.
4. The Secretary,
Council for Indian School Certificate Examinations (CISCE),
47-48, Nehru Place, Pragati House,
3rd Floor, New Delhi - 110019,
(Respondent No. 4, struck off from the array of parties vide Hon'ble
Court's order dated 23.03.2026.)

..... Respondents

**Coram:**

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. S. Deb, Adv.

For the Respondent(s) : Ms. S. Kh. Nongrum, GA for R 1.
Mr. K. Paul, Sr. Adv. with
Mr. S. Chanda, Adv. for R 2 & 3.

i)	Whether approved for reporting in Law journals etc.:	Yes/No
ii)	Whether approved for publication in press:	Yes/No

JUDGMENT

1. It is the case of the petitioner herein that she has sought admission for her son who is about five years old in the Institution of the respondent No. 2 headed by the respondent No. 3, the Principal. It is also the case of the petitioner that she has complied with all the formalities of filling up of the admission form and has duly submitted the same in time.

2. On 30.05.2025, the respondent No. 3 had issued certain instructions to all the parents/guardians concerned with regard to the admission process. Accordingly, her son having been allotted Registration No. 76 was duly selected for admission. The petitioner was also informed that all necessary/future



communication from the respondents would be done so through a specialized portal known as “eCare”, the credentials of which would be shared/notified on later dates.

3. The petitioner, in the meantime was diagnosed with allergic conjunctivitis, for which, she has to undergo medical treatment from 08.12.2025 to 12.12.2025. While undergoing treatment, an SMS was received on her phone on 11.12.2025, wherein the respondent No. 3 has informed that *“the New Admission Session 2026 induction programme will be held on Saturday the 13th December, 2025 at 10:00 am in the School hall. (Please be in the campus by 9:45 am). Both parents and the child need to be present and attendance is compulsory”*. Admittedly, the petitioner due to bonafide inadvertence, failed to notice the said SMS.

4. Thereafter, on 13.12.2025, the petitioner received a phone call from the school authorities informing her that the induction programmed had already commenced and requesting her to attend the said induction programme forthwith. Accordingly, the petitioner’s husband immediately went to the school along with her son and even attended the latter half of the said induction programme. The petitioner has also sent an email to the respondent No. 3 on 14.12.2025, explaining the circumstances which led to the late arrival at the induction programme and has tendered an unconditional apology in this regard.



5. The petitioner, failing to get a response to her email, she and her husband visited the school and approach the respondent No. 3. However, they were informed that the petitioner's minor son's admission may be cancelled/forfeited on account of not having attended the induction programme on time.

6. The petitioner and her husband, then met the respondent No. 2 to resolve the matter, but there was no positive response nor was there any written or official communication sent to the petitioner in this regard.

7. On 10.02.2026, before commencement of the class/session, the petitioner sent another email to the concerned respondent, however, on the same day the respondent No. 2 vide email (impugned herein), informed the petitioner that the admission of her son stood forfeited in accordance with admission guidelines.

8. Faced with such a situation, the petitioner through her counsel, sent a legal notice dated 16.02.2026 to the respondent No. 2 with a request to reinstate the admission of her son in Class-KG, however, the same also evoked no response. In the meantime, classes have already commenced. Being thus aggrieved by the extremely arbitrary and unjustified action of the relevant respondents in preventing her son to join the school, the petitioner has now



approached this Court with this instant petition.

9. Mr. K. Paul, learned Sr. counsel along with Mr. S. Chanda, learned counsel has entered appearance on behalf of the respondent Nos. 2 and 3, the respondent No. 4 having been struck off from the array of parties vide this Court's order dated 23.03.2026. Ms. S. Kh. Nongrum, learned GA, has also entered appearance on behalf of the State respondent No. 1.

10. Before proceeding further, the learned Sr. counsel for the respondent Nos. 2 and 3 has raised the issue of maintainability of this petition, as such, it would be proper for this Court to take up this issue at the first instance.

11. Accordingly, the submission of the learned Sr. counsel was heard, wherein, the argument advanced in this regard, is whether this writ is maintainable, considering the fact that a writ does not lie against a private body, the school in this case. Though it is admitted that a writ may be maintainable, if such private body or Institution performs public duty, however, it needs to be seen as to whether the action impugned comes within the realm of public duty or it is an action against a private individual.

12. Reverting to the facts of the case, the learned Sr. counsel has submitted that there was no fault from the side of the school management as far as communication of the date of the said induction programme is concerned, the



fact being that on 10.12.2025, an SMS was send to the parents of the child, informing them of the said induction programme to be held on 13.12.2025 at 10.00 am in the School hall, both parents along with the child to be present. This same message was reiterated on 11.12.2025. However, no response was ever received from the petitioner or her husband in this regard. Having indicated that the said induction programme is mandatory, therefore, the failure of the parents and the child in question to appear at the time fixed have inevitably led to the school management to issue the said impugned letter dated 10.02.2026, informing them that the admission of their child stood forfeited and was therefore cancelled.

13. The learned Sr. counsel went on to submit that the petitioner in this petition at paragraph 31 has admitted that the respondent No. 2/School is a private autonomous minority institution, but at paragraph 36 of the same, has maintained that the school is performing/discharging public functions. The question which begs an answer is whether the action in rejecting the admission of the son of the petitioner is an action in performance of public function, or an altogether private dispute, if at all, submits the learned Sr. counsel.

14. In support of his contention, the learned Sr. counsel has placed reliance on two case laws, Viz, the case of Shri Lal Singh v. Union of India & Ors, WP(C) No. 201 of 2014 and others, relevant order dated 08.09.2016 at para



17, 19 & 26 and also in the case of St. Mary's Education Society & Anr v. Rajendra Prasad Bhargava & Ors, (2023) 4 SCC 498, para 75, 75.1, 75.2, 75.3, 75.5 & 77.

15. In response, Mr. S. Deb, learned counsel for the petitioner has submitted that admittedly, the petitioner has intention to get her son admitted into the respondent No. 2/School and has complied with all the formalities required for the purpose. In fact, of the three criteria laid down, all three have been fulfilled, including the admission interview of parents, leading to the payment of the requisite school fees and was accordingly assigned with Roll/Registration No. 76. Finally, the petitioner's son was selected for admission, and it was informed that the classes would commence in the month of February, 2026.

16. The learned counsel has however admitted that three SMSs were received on 10.12.2025 and 11.12.2025 respectively, whereby, they were informed about the said induction programme. However, due to the fact that at that point of time, the petitioner was undergoing medical treatment at Bansara Eye Care Clinic, Shillong for her eye ailment from 08.12.2025 to 12.12.2025 to be exact, through inadvertence, the said messages were not noticed.

17. It is also the submission of the learned counsel that on 13.12.2025, a



phone call was received from the school authorities, informing them about the said induction programme, and immediately, the husband of the petitioner along with his son rushed to the school and was able to attend the said programme, albeit, at a later period of time, that is, in the second half of the day. As a follow up, the petitioner has sent an email dated 14.12.2025 to the respondent No. 3, inter-alia, explaining the circumstances which led to the late arrival of her son on the said date of induction and has also sought an unconditional apology.

18. Receiving no response to the communication dated 14.12.2025, another email was sent on 10.02.2026, a week before the commencement of the academic session. To the utmost shock of the petitioner, the respondent No. 2 vide email dated 10.02.2026 itself, informed that the admission of the petitioner's son "stood forfeited in accordance with admission guidelines".

19. It is the submission of the learned counsel that there are no such admission guidelines in this regard stipulating the rule that admission stood forfeited or cancelled in case of non-appearance of the parents and child at the induction programme. In fact, even in the initial admission process, wherein, the three criteria have been laid down, fulfilment of the same, being the condition precedent for admission into the said school, no mention has been made about the said induction programme and the consequences following absence from such programme.



20. Being aggrieved by the action of the school in this regard, the petitioner has caused a legal notice dated 16.02.2026 to be issued to the school authority, however, no response to the same have been received, and in the meantime, classes have already commenced, thereby compelling the petitioner to approach this Court with this instant application and the prayer made therein, submits the learned counsel.

21. The learned counsel has further submitted that the action of the school authorities being arbitrary and unilateral without giving any opportunity to the petitioner to show cause or be heard in a matter, such cancellation of the petitioner's son's admission is a violation of the basic principle of natural justice, fairness, equality, proportionality and legitimate expectation, given the fact that the petitioner has not been conveyed with the decision of the school authority to cancel the said admission, firstly, on 13.12.2025 or even on 14.12.2025, when the petitioner has communicated the reasons (supra) for the failure to appear on time for the said induction programme, and secondly, even in the intervening period between 13.12.2025 to 10.02.2026, which, if conveyed, would have enable the petitioner to decide otherwise as far as her son's admission is concerned.

22. On the contention of the respondents that this application is not maintainable under Article 226 of the Constitution of India, the school in



question being private unaided school having no semblance of government control directly or indirectly, and therefore, does not come within the meaning of “State” as provided under Article 12 of the Constitution, the learned counsel has submitted that admittedly, the school is a private educational institution, however, it is performing/discharging public functions of significant importance, vis-à-vis, impartation of education, as such, it is amenable to writ jurisdiction, the action impugned being a grave violation of the fundamental rights of the petitioner and her son, particularly, Article 14, 21 and 21A of the Constitution, submits the learned counsel.

23. In support of this contention as far as the issue of maintainability is concerned, the learned counsel has cited the following cases:

- i) Ramesh Ahluwalia v. State of Punjab and Others (2012) 12 SCC 331, para 11, 12 and 13;**
- ii) St. Mary’s Education Society (supra) para 1, 2.1(a), 2.2(b), 5, 37, 39, 43, 44, 54, 59, 61, 62, 66, 75.1, 75.2 and 75.3;**
- iii) Master Jai Kumar v. Aadharshila Vidya Peeth and Ors., [WP(C) No. 11229/2024], High Court of Delhi, order dated 23.08.2024, para 16-21; and**
- iv) Sampath Karthikeya Busa and Anr. v. University Grants**



Commission, (UGC) and Ors, (Writ Petition Nos. 42467, 42437 and 43364 of 2022) order dated 05.01.2023, High Court of Telangana, para 4, 9, 13, 15, 17, 19, 20, 21, and 23.

24. In the backdrop of the factual scenario of the case between the parties herein, facts of which may not be required to be reiterated except, if so warranted, what is understood is that the respondent No. 2/school has refused to finally admit the son of the petitioner on account of non-compliance with the admission process, more particularly because of the failure of the parents of the said child to attend the induction programme held on 13.12.2025 at 10:00 am in the school hall.

25. The first issue raised is whether this writ application is maintainable, in view of the fact that the respondent/school represented by its management is an entirely private educational institution with no aid or funding or control by the government. It is however admitted that, if there is an element of public duty or function carried out by the said school, then such institution would come within the definition of “State” as could be understood from reading of Article 12 of the Constitution of India, and any dispute pertaining to such institution is amenable to writ jurisdiction under Article 226 of the Constitution.

26. In this respect, in the context of the case of the parties herein, it would



be beneficial to understand the implication of what the term “public function” or “public duty” means so as to come to a conclusion as regard the issue of maintainability. In the case of **Binny Ltd. and Anr. v. Sadasivan and Ors, (2005) 6 SCC 657**, at para 11 the Hon’ble Supreme Court has observed as follows:

11. Judicial review is designed to prevent the cases of abuse of power and neglect of duty by public authorities. However, under our Constitution, Article 226 is couched in such a way that a writ of mandamus could be issued even against a private authority. However, such private authority must be discharging a public function and the decision sought to be corrected or enforced must be in discharge of a public function. The role of the State expanded enormously and attempts have been made to create various agencies to perform the governmental functions. Several corporations and companies have also been formed by the Government to run industries and to carry on trading activities. These have come to be known as public sector undertakings. However, in the interpretation given to Article 12 of the Constitution, this Court took the view that many of these companies and corporations could come within the sweep of Article 12 of the Constitution. At the same time, there are private bodies also which may be discharging public functions. It is difficult to draw a line between public functions and private functions when they are being discharged by a purely private authority. A body is performing a "public function" when it seeks to achieve some collective benefit for the public or a section of the public and is accepted by the public or that section of the public as having authority to do so. Bodies therefore exercise public functions when they intervene or participate in social or economic affairs in the public interest. In a book on *Judicial Review of Administrative Action* (5th Edn.) by de Smith, Woolf & Jowell in Chapter 3, para 0.24, it is stated thus:

"A body is performing a 'public function' when it seeks to achieve some collective benefit for the public or a section of the public and is accepted by the public or that section of the public as



having authority to do so. Bodies therefore exercise public functions when they intervene or participate in social or economic affairs in the public interest. This may happen in a wide variety of ways. For instance, a body is performing a public function when it provides 'public goods' or other collective services, such as health care, education and personal social services, from funds raised by taxation. A body may perform public functions in the form of adjudicatory services (such as those of the criminal and civil courts and tribunal system). They also do so if they regulate commercial and professional activities to ensure compliance with proper standards. For all these purposes, a range of legal and administrative techniques may be deployed, including rule making, adjudication (and other forms of dispute resolution); inspection; and licensing.

Public functions need not be the exclusive domain of the State. Charities, self-regulatory organisations and other nominally private institutions (such as universities, the Stock Exchange, Lloyd's of London, churches) may in reality also perform some types of public function. As Sir John Donaldson, M.R. urged, it is important for the courts to 'recognise the realities of executive power' and not allow 'their vision to be clouded by the subtlety and sometimes complexity of the way in which it can be exerted'. Non-governmental bodies such as these are just as capable of abusing their powers as is Government."

27. This trend has continued in subsequent pronouncement, for example, in the case of *St. Mary's Education Society* (supra) at para 2.1, a question was asked as to whether a writ petition under Article 226 of the Constitution of India is maintainable against a private minority institution, and at para 3, it has been said that even, if the body performing public duty is amenable to writ jurisdiction, are all its decisions subject to judicial review or only those decisions which have public element therein can be judicially reviewed under the writ



jurisdiction. Also at para 39 of St. Mary’s Education Society (supra), the court has referred to the case of Janet Jeyapaul v. SRM University, reiterating the proposition that when a private body exercises its public functions even if it is not a State, the aggrieved person has a remedy, not only under the ordinary law, but also by way of a writ petition under Article 226 of the Constitution.

28. What is pertinent to note herein is that at para 44 of the said St. Mary’s Education Society case, it was observed that the impartation of education by the Appellant 1 therein is a public function. At para 75.2, the following was observed:

“75.2. Even if it be assumed that an educational institution is imparting public duty, the act complained of must have a direct nexus with the discharge of public duty. It is indisputably a public law action which confers a right upon the aggrieved to invoke the extraordinary writ jurisdiction under Article 226 for a prerogative writ. Individual wrongs or breach of mutual contracts without having any public element as its integral part cannot be rectified through a writ petition under Article 226. Wherever Courts have intervened in their exercise of jurisdiction under Article 226, either the service conditions were regulated by the statutory provisions or the employer had the status of “State” within the expansive definition under Article 12 or it was found that the action complained of has public law element.”

29. Again, on the issue of maintainability at para 75.1 of the St. Mary’s Education Society case, the Supreme Court has held as follows:

“75.1. An application under Article 226 of the Constitution is maintainable against a person or a body discharging public duties or public functions. The public duty cast may be either statutory or



otherwise and where it is otherwise, the body or the person must be shown to owe that duty or obligation to the public involving the public law element. Similarly, for ascertaining the discharge of public function, it must be established that the body or the person was seeking to achieve the same for the collective benefit of the public or a section of it and the authority to do so must be accepted by the public.”

30. In the case of Lal Singh (supra) relied upon by the learned Sr. counsel for the respondent Nos. 2 and 3, the factual matrix of the case involved a dispute as regard the service conditions of employees of a private educational institution. This court relying on several authorities in the case of Binny Ltd (supra) and also the case of **Satimbla Sharma and Ors v. St. Paul’s Senior Secondary School and Ors, (2011) 13 SCC 760**, has come to the conclusion that the discretionary jurisdiction under Article 226 of the Constitution of India could not be exercised, if the rights sought to be enforced are purely of a private character. Similarly, at para 75.3 of the St. Mary’s Education Society case it was held that:

“**75.3.** It must be consequently held that while a body may be discharging a public function or performing a public duty and thus its actions becoming amenable to judicial review by a constitutional court, its employees would not have the right to invoke the powers of the High Court conferred by Article 226 in respect of matter relating to service where they are not governed or controlled by the statutory provisions. An educational institution may perform myriad functions touching various facets of public life and in the societal sphere. While such of those functions as would fall within the domain of a "public function" or "public duty" be undisputedly open to challenge and scrutiny under Article 226 of the Constitution, the actions or decisions taken solely within the confines of an ordinary contract of service, having no statutory force or backing, cannot be



recognised as being amenable to challenge under Article 226 of the Constitution. In the absence of the service conditions being controlled or governed by statutory provisions, the matter would remain in the realm of an ordinary contract of service.

31. What could be understood from the above is that in a relationship of employer-employee even in a private unaided educational institution, certain category of dispute, for example, terms of contract employment etc., the same being private in nature, such dispute would not be covered under writ jurisdiction of a High Court.

32. Viewed thus, it is reiterated that impartation of education by an educational institution, whether public or private, is a public function, and right to education, is a fundamental right guaranteed under Article 21A of the Constitution. This right was further crystalized by the enactment of “The Right of Children to Free and Compulsory Education Act, 2009”. Again, in the definitions section, at Section 2(n)(iv), the following is found:

“2. Definitions. – In this Act, unless the context otherwise requires,

–
(n) "school" means any recognised school imparting elementary education and includes–

(iv) an unaided school not receiving any kind of aid or grants to meet its expenses from the appropriate Government or the local authority;”

33. Therefore, as far as the aspect of admission or rejection of admission of a student in the respondents No. 2/Institution is concerned, this Court would



hold that the impugned action does have a nexus with that public function, that is, impartation of education. Accordingly, in the peculiar facts and circumstances of this case, this writ is found maintainable.

34. The next question which arises, is whether the impugned action of the respondent school is a violation of the fundamental rights of the son of the petitioner. A revisit of the factual situation as could be gathered from the pleadings of the parties, would portray a picture that admittedly, when the admission process was initiated, the school authorities have accordingly issued certain instructions to all the applicants, the admission criteria, inter alia, being that the age criteria for KG Class admission is 5 plus as on 31st March 2026 and that there will be an Admission Interview for the parents and the children, dates for the Admission Interview to be notified later on the School website/SMS. There is no denial of the fact that the KG Admission Session 2026 result published on 31.10.2025 includes the registration number (No.76) of the son of the petitioner as one of those who have been selected for admission. Thereafter, there is no further communication from the school in this regard till 10.12.2025, when an SMS message was sent by the respondent No. 3 to the parents of the child, informing them that the induction programme will be held on 13.12.2025 at 10:00 am in the School Hall. It was also mentioned in the said message that attendance is compulsory.



35. Again, admittedly the parents of the child failed to attend the said induction programme at the given time. Though the petitioner has maintained that the father along with the child had attended the induction programme in the second half of the day, the same was denied by the respondent No. 3. However, it cannot be denied that the petitioner has sent an email to the respondent No. 3 on 14.12.2025, with an apology for not attending the said induction programme with a request for consideration. There is nothing on record to show that this missive was ever attended to by the school authorities.

36. Ultimately, it was only on 10.02.2026, a week before the session is to commence, when the parents of the child have sent another email to the school authorities to understand the situation as far as the admission of their son is concerned, was a reply sent to them via email on 10.02.2026, informing them that because of their absence at the induction programme, the admission stood forfeited. In this regard, this Court has noted that there was no official communication to the parents by the school authorities as far back as December 2025 that the admission of their son has been denied, thereby meaning that no opportunity was given to them to offer any show cause or to be heard in the matter. In fact, if such decision has been conveyed to the parents of the child officially since the month of December, it would have allowed them to look for alternatives. But, by February 2026 till date, the admission process in almost all



the schools in the city has been closed, which would mean that one precious year would have been lost to the child's education.

37. It can also be said that though the assertion of the school authority that attendance in the said induction programme is compulsory, however, there is nothing on record right from the stage of the initial admission process, wherein, it was clearly spelled out that there will be an induction programme, failure to attend the same, would result in automatic cancellation or forfeiture of the child's admission. Under such circumstances, the action or inaction of the school authorities can only be termed as an action of arbitrariness and certainly a deprivation of natural justice to the parents and the child in question, falling within the reach of violation of the fundamental rights of the parents and the child as enshrined in Article 14 and 21A of the Constitution.

38. Consequently, this Court having held that this writ petition is maintainable, would also hold that the action of the school authorities in cancellation of the child's admission, calls for a mandamus to be issued.

39. In fine, the prayer made in this petition is hereby allowed, the forfeiture/cancellation of the petitioner's son Master Arya Patel (Reg. No. 76) in Class- KG for the Session – 2026 is hereby set aside and quashed. The respondent No. 2 /school is also directed to immediately allow the child to attend



regular classes within 1(one) week from the date of this order.

40. Petition disposed of. No costs.

Judge