

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 15.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.16846 of 2015

and

M.P.No.1 of 2015

Kamaraj Memorial Higher
Secondary School Panthaluvilai
Manjalumoodu Post Kanyakumari District-629
151 Rep. by its Manager/Correspondent
A.Kamalan

...Petitioner

Versus

- 1 The Government of Tamilnadu
Rep. by its Secretary to Government School
Education Department St. George Fort
Chennai-9.
- 2 The Director of School
Education College Road Chennai-6.
- 3 The Chief Educational Officer
Nagercoil Kanyakumari District.
- 4 The District Educational Officer
Kuzhithurai
Kanyakumari District.

...Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the 2nd respondent herein and their subordinates to grant recognition to the petitioner school from 01.06.2009 without restricting the period of recognition and also grant permission for starting English Medium Section to the petitioner School.

For Petitioner : Mr.K.Sathish Kumar

For Respondents : Mr.M.Dig Vijaya Pandian
Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner institution was established as an Elementary School and upgraded as Middle School, and then as a High School and at present functioning as a Higher Secondary School. According to the petitioner, it is a Linguistic Minority institution, protected under Article 30 (1) of the Constitution of India and it is declared as a minority institution by virtue of a decree passed in O.S.No.117 of 1992 on the file of the Court of Principal District Munsif, Nagercoil, vide judgment and decree dated 06.04.1994, which has also become final. It is further stated by the petitioner that on an earlier occasion, it has filed W.P.No.7621 of 2010 praying for a writ of mandamus, directing the respondent therein to grant recognition to the the petitioner school from 01.06.2002 without restricting the period of recognition and also without insisting upon the production of minority declaration order from the Government and it was disposed of on 19.04.2010, directing the concerned respondent to consider the request and pass order.

3. The grievance expressed by the petitioner is that, inspite of such an order, respondents insist for getting renewal of the minority recognition and in this regard, submitted a representation dated 20.12.2013 for grant of minority recognition and one more representation praying for permission to start English Medium Section for Class 1 to 6 and also for continuation of the recognition and since, no response is forthcoming, came forward to file this writ petition.

4. The learned counsel appearing for the petitioner has drawn the attention of this Court to the order dated 19.04.2010 made in W.P.No.7621 of 2010 and submitted that in the light of the said order, the 2nd respondent is bound to grant recognition, without restricting the period of recognition and since it is the policy of the Government to grant necessary permission to start English Medium sections, in respect of classes pertaining to Elementary education, there cannot be any impediment on the part of the respondents to positively consider the request of the petitioner and prays for appropriate orders.

5. This Court heard the submissions of Mr.M.Dig Vijaya Pandian, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

6. This Court, taking into consideration the limited scope of the prayer sought for by the petitioner and without going into the merits of the claim projected by the petitioner, directs the 2nd

respondent to consider the request made by the petitioner for extending the period of recognition without restricting it to a particular period in the light of the order dated 19.04.2010, made in W.P.No.7621 of 2010, and also consider the request made by the petitioner in the form of the representation dated 20.12.2013, seeking necessary permission to start English Medium of Instruction, in respect of classes 1 to 6, and pass orders as expeditiously as possible and not later than six weeks, from the date of receipt of a copy of this order and inform the decision taken, to the petitioner.

7. The writ petition is disposed of, accordingly. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Secretary,
Government of Tamilnadu
School Education Department,
St. George Fort
Chennai-9.
- 2 The Director of School
Education College Road Chennai-6.
- 3 The Chief Educational Officer
Nagercoil Kanyakumari District.
- 4 The District Educational Officer
Kuzhithurai Kanyakumari District.

1 CC to M/s.P.Mahalakshmi, Advocate SR.No. 28955

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KJI (CO)
PSI (23.06.2015)