

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.21893 of 2015

Pasupathi Aided Middle School,
Pandanallur 609 807
Thanjavur District
Rep. By its Secretary,
V.Jayaveera Pandiyan
S/o.Vaidyanathaswamy

... Petitioner

-Vs-

1. The State of Tamil Nadu
Rep. By its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to pass appropriate orders on the representation submitted by the petitioner dated 10.05.2015 by granting permission to start English Medium Sections for the standards 1 to 8 and Kindergarten Sections like LKG and UKG on self finance basis in the petitioner school from the academic year 2015-16, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.R.Vijayakumar,
Additional Government Pleader.

O R D E R

By consent, this Writ Petition itself is taken up for final disposal.

2. The petitioner would state that it is an aided school started in the year 1948 and it is importing Education from Standards 1 to 8 and according to them, it has rendered meticulous services for importing Primary Education to the students in and around the villages more particularly to the people belong to poor and downdradden communities. The petitioner has approached the respondent for starting English medium sections in standards 1 to 8, since it was not considered, the petitioner was constrained to submit a detail representation dated 10.05.2015 and since no order has been passed, came forward to file this writ petition.

3. Heard the submission of the learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice on behalf of respondents 1 and 2.

4. A perusal of the typed set of document would disclose that this Court vide order dated 16.08.2013 made in W.P.No.31718 of 2012 filed by Subbiah Vidhayalaym Girls Higher Secondary School, Perumalpuram Road, Tuticorion Vs. Secretary to Government, School Education Department, Fort St. George, Chennai and others has considered an issue elaborately and held that "no rule prohibiting the aided schools prescribing the aided schools to conduct classes in English medium in standards 1 to 5 as parallel section and citing the said reason setting aside the impugned order which are the subject matter of the challenge in this writ petition to direct the 3rd respondent viz., the Director of Elementary Education, to pass final orders bearing in mind the said judgment reported in 1995 (2) L.W. 270 (Hindu Higher Secondary School, Vaniyambadi V. The District Education Officer, Tirupathur) within a stipulated time."

5. In the light of the above facts and circumstances, the 1st respondent is directed to consider the representation of the petitioner dated 10.05.2015 on merits and in accordance with law after taking note of orders dated 16.08.2013 made in W.P.No.31718 of 2012 (Subbiah Vidhayalaym Girls Higher Secondary School, Perumalpuram Road, Tuticorion Vs. Secretary to Government, School Education Department, Fort St. George, Chennai and others) as well as the judgment reported in 1995 (2) LW (Hindu Higher Secondary School, Vaniyambadi V. The District Education Officer, Tirupathur) and pass

orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(L.A)

//True Copy//

Sub Assistant Registrar

vsm

To

1. The Principal Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.

+1cc to the Government Pleader, S.R.No.37748

W.P.No.21893 of 2015

KJI (CO)
CA(20/08/2015)

सत्यमेव जयते
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