



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition (MD) No.22768 of 2015

S.Ayyappan

... Petitioner

Vs.

1.The Secretary to Tamil Nadu Government,
School Education Department,
Chennai 9.

2.The Director of School Education,
College Road,
Chennai 600 006.

3.The Joint Director of School Education
(Higher Secondary),
Directorate of School Education,
College Road, Chennai 600 006.

4.The Chief Educational Officer,
Sina Vana Higher Secondary School Complex,
Thoothukudi.

5.The District Educational Officer,
Sina Vana Higher Secondary School Complex,
Thoothukudi.

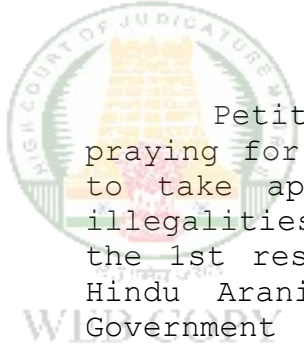
6.The Tahsildar,
Tiruchendur.

7.The Commissioner,
Hindu Samaya Aranilaya Aatchithurai,
Chennai 34.

8.Sri Ramakrishna Thabovanam,
Head Quarters, Thiruparaithurai,
Trichy.

9.The Secretary,
Sri Ramakrishna Chidambareswarar
Higher Secondary School,
Udangudi 628 203.

10.The Headmaster,
Sri Ramakrishna Chidambareswarar
Higher Secondary School,
Udangudi 628 203.



Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st respondent to take appropriate action against the Respondents 2 to 11 for the illegalities malpractices negligence of duty and misuse of power and the 1st respondent to bring the school under the control of Tamil Nadu Hindu Aranilayathurai or Government and declare this Institution as Government School and request to take over the Management of the School in the light of the petitioner s representation dated 28.09.2015.

For Petitioner	:	Mr.J.Ashok
For Respondents 1-6	:	Mr.A.K.Baskarapandian, Special Government Pleader.
For 7 th Respondent	:	Mr.V.R.Shanmuganathan, Special Government Pleader.

ORDER

(Order of the Court was made by V.RAMASUBRAMANIAN,J.)

This is an unfortunate case where the old student of the 9th respondent school has come up with a petition under the garb of a public interest litigation seeking the issue of a writ of mandamus to direct the first respondent to take over administration of the 9th respondent school.

2.Heard Mr.J.Ashok, learned counsel for the petitioner.

3.The main grievances as projected by the old student of the 9th respondent school are (i) that the land on which the school is located was leased out by the HR & CE Department without a proper document, (ii) that the school was given licence by the Educational Department, without verifying the building plans, (iii) that persons who are not parents are members of the Parent Teachers Association and (iv) that the rule of reservation was not followed in the matter of appointment.

4.But it transpires from the documents filed in the typed set of papers that under the garb of a public interest litigation, the petitioner is trying to settle scores with the very school which educated him. The kind of questions that the petitioner has asked under the Right to Information Act, disclose his motive. Some of the questions that the petitioner had asked under the Right to Information Act are (i) to furnish a copy of the permission granted by the HR & CE Department to the institution to locate a school, (ii) the documents relating to the lease granted by the Department (iii) the number of trees that were in existence at the time when the land was leased out to the school (iv) the details about the lease rent fixed and revised from time to time (v) the details about any arrears of rent on the part of the school to the HR & CE Department (vi) the person who obtained permission for putting up construction of the school building (vii) the details about the permission granted by the HR & CE Department for the construction of school buildings and details about any unauthorised construction made by the school. (ix) the valuation of land as well as the buildings for the purpose of fixation of the fair market rent for the building (x) the copies of the audit of school accounts made by the HR & CE Department and (xi) the details with regard to the number of posts filled up under the unaided section etc.,

5.The above questions show that the petitioner had almost indulged into a type of investigation into the management of the school of which he was a student, with ulterior motive. The HR & CE Department has furnished replies through the Public Information Officer to these queries. In other words, they have taken note of the personal grievance of the petitioner against the school. Therefore, it is no more open to the petitioner to come up with a public interest litigation of this nature. Hence, it is dismissed. No costs.

Sd/-

Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

To

- 1.The Secretary to Tamil Nadu Government,
School Education Department, Chennai 9.
- 2.The Director of School Education, College Road, Chennai 600 006.
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Higher Secondary School, Udangudi 628 203.

+1cc to Mr.J.Ashok, Advocate SR.No.75819

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