



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2015

CORAM:

THE HONOURABLE DR.JUSTICE S.TAMILVANAN

and

THE HONOURABLE MR.JUSTICE V.S.RAVI

W.P(MD)No.3944 of 2015

and

MP 1 & 2 of 2015

P.Balasubramaniam

... Petitioner

Vs.

1.The State

Rep by its Principal Secretary to Government,
School Education Department,
Fort St., George,
Chennai.

2.The Director of School Education,

College Road, Chennai.

3.The Director of Elementary Education,

College Road, Chennai.

4.The Joint Director of School Education,

(Higher Secondary) College Road,
Chennai.

5.The Chief Educational Officer,

Dindigul,
Dindigul District.

6.The District Collector,

Dindigul,
Dindigul District.

7.The Tahsildar,

Dindigul.

8.The Superintendent of Police,

Dindigul.

9.The Inspector of Police,

Oddanchathiram Police Station,
Dindigul District.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the respondents 1 to 5 to accord appropriate permission and take appropriate and necessary steps to start a High School or to upgrade the existing middle school at Aranmanai Pudur Village Pudhuchathiram Panchayat to that of High School at Pudhuchathiram Village Dindigul District in the lands earmarked for the said purpose at S.Nos.378/142, Palakkanoothu Village, Dindigul District.

For Petitioner

: Mr.S.Manikandan @ Iyyappan

For Respondents

: Mr.V.R.Shanmuganathan,
Special Government Pleader.



ORDER

(Order of the Court was made by S.TAMILVANAN,J)

This writ petition has been filed as a Public Interest Litigation (PIL), invoking Article 226 of the Constitution of India, seeking an order in the nature of writ of mandamus, directing the respondents to grant permission and take necessary steps to start a High School or to upgrade the existing middle school at Aranmanai Pudur Village, Pudhuchathiram Panchayat to that of High School at Pudhuchathiram Village Dindigul District in the land earmarked for the said purpose at S.Nos.378/142, Palakkanoothu Village, Dindigul District.

2.It is seen that the petitioner has sought for an order directing the authorities who are the respondents 1 to 5 to grant permission for starting High School or to upgrade the existing middle school in a particular land. Learned counsel appearing for the petitioner submitted that the land was already allotted by the Government for the purpose of constructing a High School.

3.It cannot be disputed that the Government is empowered to decide whether it should be a middle school or High School or Higher Secondary School. Unless there is violation of any subsisting right or fundamental right to raise a plea in the nature of Public Interest Litigation, this Court cannot interfere with the administration of the Government, as the same has to be done according to law. However, having considered the submissions made by the learned counsel for the petitioner that already land was allotted for the construction of a High School, we find it just and reasonable to permit the petitioner to approach the concerned authorities by way of making representation and in such circumstances, the authorities shall pass appropriate orders considering the representation if any being submitted by the petitioner according to law.

4.With the above observation, the writ petition is disposed of. No costs. Consequently, M.P(MD)Nos.1 and 2 of 2015 are closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub- Assistant Registrar

To

- 1.The Principal Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort St., George, Chennai.
- 2.The Director of School Education,
College Road, Chennai.
- 3.The Director of Elementary Education,
College Road, Chennai.
- 4.The Joint Director of School Education,
(Higher Secondary) College Road, Chennai.
- 5.The Chief Educational Officer,
Dindigul,
Dindigul District.



6.The District Collector,
Dindigul,
Dindigul District.

7.The Tahsildar,
Dindigul.

8.The Superintendent of Police,
Dindigul.

9.The Inspector of Police,
Oddanchathiram Police Station,
Dindigul District.

+1cc to Special Government Pleader in SR.No.14228

+1cc to Mr.S.Manikandan, Advocate in SR.No. 14348

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W.P (MD) No.3944 of 2015
23.03.2015