



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.8613 of 2014

D.Rangarajan

... Petitioner

Vs.

- 1.The State of Tamilnadu
rep.by its Secretary to Government,
School Education Department,
St.George Fort, Chennai - 9.
- 2.The Director of Elementary Education,
Nungambakkam, Chennai - 600 006.
- 3.The District Collector,
Trichy District, Trichy.
- 4.District Elementary Educational Officer,
O/o.District Elementary Educational Office,
MRC Complex, Sethuraman Pillai Colony,
Trichy - 20.
- 5.The Assistant Elementary Educational Officer,
Uppiliapuram, Trichy District.
- 6.The Secretary,
Hindu Aided Middle School,
Reddiar Street, Maradi Village,
Maradi Post, Thurayur (TK)
Trichy District.
- 7.The President,
Maradi Panchayat
Uppiliapuram Union,
Trichy District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or any other appropriate writ or order or direction in the nature of writ to direct the respondents 1 to 4 to forbear the 6th respondent from shifting the Hindu Aided Middle school to any other place in conformity with the various provision of the Free and Compulsory Education Act, 2009 (hereinafter referred to as the Act No.35 of 2009) and the Right of Children to free and compulsory Education Rules, 2010



(in short "Rules 2010") issued in furtherance of the power conferred under the Act No. 35 of 2009 and consequently to direct the 1st respondent to take over the management of the 6th respondent school as agreed by the 6th respondent vide deed dated 24.12.2010, within the period that may be stipulated by this court.

For Petitioner	: Mr.V.George Raja
For RR - 1 to 5 & 7	: Mr.B.Pugalendhi Spl.Govt.Pleader
For R - 6	: Mr.V.Panneer Selvam for M/s.C.S.Associates.

ORDER

(Order of the Court was made by R.SUDHAKAR,J.)

The prayer in the writ petition is to direct the respondents 1 to 4 to forbear the sixth respondent from shifting the Hindu Aided Middle school to any other place.

2. It appears that the sixth respondent is running a school and now he has sought for permission from the competent authority to shift the school from the present location to another location, because of lack of students and that is pending before the Government. In the meanwhile, the present writ petition is filed to forbear the sixth respondent from shifting the school to another place and also for a direction to the first respondent to take over the Management of the school as agreed by the sixth respondent, vide deed dated 24.12.2010.

3. The sixth respondent has already sent a communication to the educational authorities to take over the school by the Government. Therefore, it is for the educational authorities to consider the claim of shifting the school to some other place in accordance with the relevant Act and Rules. At this juncture, there is no justification for the petitioner to maintain this writ petition.

4. In other words, the sixth respondent says that there is a personal animosity between the petitioner and the Secretary of the school and that dispute is at the behest of the Headmaster who is acting against the interest of Management. These are the issues which cannot be decided in the present writ petition. Moreover, we find no reason to entertain this writ petition as a public interest litigation. Therefore, this writ petition is



dismissed. No costs. Connected Miscellaneous Petition is also dismissed.

Sd/-
Assistant Registrar(RTI)

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Sub Assistant Registrar

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To

- 1.The Secretary to Government, State of Tamilnadu
School Education Department, St.George Fort, Chennai - 9.
 - 2.The Director of Elementary Education,
Nungambakkam, Chennai - 600 006.
 - 3.The District Collector, Trichy District, Trichy.
 - 4.District Elementary Educational Officer,
O/o.District Elementary Educational Office,
MRC Complex, Sethuraman Pillai Colony, Trichy - 20.
 - 5.The Assistant Elementary Educational Officer,
Uppiliapuram, Trichy District.
- +one cc to M/s.C.S.Associates, SR.No.48403

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CSL/AN-MP/SAR J/09.09.2015
3P/7C