

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

W.P. No.14926 of 2016 and W.M.P. No.13046 of 2016

Federation of Pondicherry Self Financed
Private School Association
represented by its President
Bajanai Koil Street
Kombakkam
Puducherry 605 110

Petitioner

vs.

- 1 Union of India
represented by Union Territory of Pondicherry
represented by Chief Secretariat (Education)
Government of Puducherry
Puducherry 605 001
- 2 The Secretary to Government
Education Department
Government of Puducherry
Puducherry 605 001
- 3 The Director of School Education
Secretariat Wing
Government of Puducherry
Puducherry 605 001

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of declaration declaring Puducherry School Education (Amendment) Rules, 2014, issued in G.O. Ms.No.11, dated 3.3.2014 as illegal, unconstitutional and ultra vires the Puducherry School Education Act, 1987.

For petitioner : Mr. Vijay Narayan, Sr. Counsel
for Mr. D.S. Thirumavalavan

For respondents : Mr. M. Govindaraj
Government Pleader - Pondicherry

ORDER

(delivered by SATISH K.AGNIHOTRI, J.)

Mr. M. Govindaraj, learned Government Pleader (Puducherry), accepts notice for the respondents.

2 This writ petition is filed seeking a writ of declaration declaring the Puducherry School Education (Amendment) Rules, 2014, (for brevity "the Rules") issued in G.O. Ms.No.11, dated 03 March 2014 as illegal, unconstitutional and ultra vires the Puducherry School Education Act, 1987.

3 Today, when the matter is taken up for hearing, the learned Senior Counsel appearing for the petitioner fairly submits that the constitutionality of the provisions of the Rules, came up for consideration earlier, before a Division Bench of this Court, in Amalorpavam Hr. Sec. School, Vanarapet, Puducherry vs. Union of India, Union Territory of Puducherry, represented by the Secretary to Government, Education Department, Government of Puducherry, Puducherry and Others¹, wherein the validity of the provisions of the Rules, was upheld.

4 In the aforesaid decision, upholding the provisions of the Rules, the Division Bench of this Court further made the following observation:

"33. We may, however, state that it may be advisable for the State Government to carry out necessary statutory changes, including the rule to obviate any ambiguity in this behalf without disturbing the present arrangement."

5 Inasmuch as the validity of the provisions of the Rules sought to be impugned herein has already been examined fully by a Division Bench of this Court and stood upheld, no further adjudication is necessitated in this writ petition.

Accordingly, this writ petition is dismissed in the same terms. Costs made easy. Connected W.M.P. is closed.
cad

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

1 (2016) 2 MLJ 657

To

1. The Chief Secretary, Union of India,
Union Territory of Pondicherry
1 The Chief Secretariat (Education)
Government of Puducherry, Puducherry 605 001

2 The Secretary to Government
Education Department
Government of Puducherry
Puducherry 605 001

3 The Director of School Education
Secretariat Wing
Government of Puducherry
Puducherry 605 001

+ 1 cc to Mr. D.S. Thirumavalavan, Advocate Sr 25113

KR/28/4/16

W.P. No.14926 of 2016



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