

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.16898 of 2016

NEW-LG TRUST Residential School,
rep. by its Chairman,
M.P.Gnanasekaran

... Petitioner

vs.

1.The State Project Director,
Sarva Siksha Abhiyan,
College Road, Chennai-6.

2.The District Project Coordinator
cum Chief Educational Officer,
Sarva Shiksha Abhiyan,
Krishnagiri District, Krishnagiri.

3.The District Collector,
Krishnagiri District, Krishnagiri.

.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents herein to issue orders ratifying the continuance of the Residential School by the petitioner for the academic year 2014-15 at Barur, Kaveripattinam Centre, Krishnagiri District, under Sarva Shiksha Abhiyan Scheme and reimburse the expenditure of Rs.9,11,140/- incurred by the petitioner, within a time frame.

For Petitioner : Mr.D.Baskar

For Respondents : Mrs.P.Rajalakshmi,
Govt. Advocate.

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents herein to issue orders ratifying the continuance of the Residential School by the petitioner for the academic year 2014-15 at Barur,

Kaveripattinam Centre, Krishnagiri District, under Sarva Shiksha Abhiyan Scheme and reimburse the expenditure of Rs.9,11,140/- incurred by them, within a time frame.

3. The case of the petitioner, in brief, is as follows:-

(a) The petitioner trust has been created under a registered deed of trust dated 27.2.2009. The object of the trust is to constitute health teams for men and women in each village to form Health Awareness Committees for school children of I to V standards and students upto the level of higher education.

(b) The second respondent accorded permission by his proceedings dated 2.6.2009 to start residential Bridge Course for the year 2009-2010 under Sarva Shiksha Abhiyan, Krishnagiri District at Kaveripattinam Block, Barur Village, with 40 boys and 16 girls, who are dropouts from the schools. The eligible expenditure of Rs.75,000/- (non-recurring) and Rs.35,700/- (recurring) was paid to the petitioner by the respondents. Further, the permission was renewed from time to time upto 2012-2013.

(c) While so, the petitioner continued to run the school for the academic year 2014-2015 also anticipating receipt of permission and disbursement of eligible expenditure. The second respondent orally permitted the petitioner to run the school and accordingly, the petitioner continued to run the school and incurred expenditure to the tune of Rs.9,11,140/-. But, the petitioner did not receive permission till the end of the academic year 2014-2015 and the eligible expenditure was also not disbursed. In this regard, the petitioner made several representations dated 22.2.2014, 8.9.2014, 21.9.2014, 12.1.2015 and 13.3.2015 to the third respondent, which were forwarded to the second respondent for taking necessary action and the second respondent in turn, sent the same to the first respondent on 31.3.2015 for taking appropriate action. But, the same was also not considered. Hence, left with no other alternative, the petitioner has come forward with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate, who has taken notice on behalf of the respondents.

5. Though the petitioner has sought for a larger relief, from the materials available on record, I find that the representation sent by the petitioner dated 3.6.2015 is pending before the first respondent. Hence, I am of the opinion, it would be suffice to direct the first respondent to consider the said representation.

6. Accordingly, the first respondent is directed to consider the representation of the petitioner dated 3.6.2015 and pass appropriate orders / take appropriate action, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim projected by the petitioner and it is for the first respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

sbi

To

- 1.The State Project Director,
Sarva Siksha Abhiyan,
College Road, Chennai-6.
- 2.The District Project Coordinator
cum Chief Educational Officer,
Sarva Shiksha Abhiyan,
Krishnagiri District, Krishnagiri.
- 3.The District Collector,
Krishnagiri District, Krishnagiri.

1 cc to Government Pleader, Sr. 27947

1 cc to Mr.R. Thamarai Selvan, Advocat, Sr. 27483

सत्यमेव जयते

W.P.No.16898 of 2016

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