



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:28.06.2016

CORAM:

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL

W.P. (MD) No.11252 of 2016

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S.Peter Raj

... Petitioner

Vs.

1.The District Educational Officer,
Thoothukudi District, Thoothukudi.

2.The Tuticorin Diocesan Association,
(Registration No.1 / 1937 - 38),
Rep.by its Procurator & Chief Functionary,
Thoothukudi District.

3.St.Mary's Higher Secondary School,
Rep.by its Correspondent,
Pothakalanvilai,
Sattankulam Taluk,
Thoothukudi District.

... Respondents

Prayer: The Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the 1st respondent from treating the respondents 2 and 3 as Religious Minority Institutions and direct the 1st respondent to treat the respondents 2 and 3 as an aided private school within the meaning of Section 2(7) of the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973.

For Petitioner : Mr.P.Balamurugan
For Respondents : Mr.V.Muruganandam, AGP for R1

ORDER

Heard both sides.

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

3.According to the petitioner, the first respondent / District Educational Officer, Tuticorin, had not considered his representation dated 05.09.2015 on the subject 'recognition granted to schools under minority right is liable to be cancelled' till date. It appears in the said representation that the petitioner had made a request to the 1st respondent / District Educational Officer, Tuticorin, to send his recommendation to the Government through higher authorities to declare the 2nd respondent / School Management and its schools as non minority and send orders for remitting endowments as other non minority schools do. Further, he has sought for an inspection on all the schools of the 2nd respondent / School Management under the 1st respondent jurisdiction and to verify the documents of land and other records in accordance with



law, etc. More over, he had also prayed for stopping the grant immediately to such schools and send orders for remitting back to the grant received already by showing false documents.

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4.A perusal of the representation dated 05.09.2015 addressed to the 1st respondent / District Educational Officer, Tuticorin, latently and patently indicates that the petitioner had marked copy of his representation dated 05.09.2015 to the Secretary, School Education Department, Chennai and also marked a copy to the Hon'ble Chief Minister's Cell, Chennai, for taking immediate action.

5.At this stage, the learned Additional Government Pleader for the first respondent brings it to the notice of this Court that a communication dated 19.11.2015 was addressed by the 1st respondent / District Educational Officer, Tuticorin addressed to the three Correspondents of the schools mentioned therein, wherein, it was mentioned that a Government G.O. was to be submitted to show that the schools are of minority nature and the same was to be submitted with this month grant. Further, it was mentioned that if proper documents are furnished, then only the grant would be issued.

6.As such it cannot be said that the petitioner's representation dated 05.09.2015 was not considered by the 1st respondent / District Educational Officer (in-charge), Tuticorin. It is not known as to what further steps had been taken by the authorities concerned after the communication of the 1st respondent / District Educational Officer, dated 19.11.2015.

7.In view of the fact that the petitioner's representation dated 05.09.2015 addressed to the 1st respondent (with a copy being marked to the School Education Secretary and to the Hon'ble Chief Minister's Cell), this Court directs the 1st respondent to take further steps in the pending subject matter in issue, if not already taken by this time and to deal with the representation of the petitioner dated 05.09.2015 in the manner known to law and in accordance with law. Of course, after providing necessary opportunity to the petitioner and other concerned by adhering to the principles of natural justice. It is open to the petitioner to render his assistance and cooperation to the 1st respondent so as to enable him to dispose of the pending representation dated 05.09.2015 at an early date. In case if the 1st respondent is in requirement of necessary records / relevant certified copies of documents from the 1st respondent or from any other authority (authorities) then it is open to him to obtain the same so as to facilitate him in regard to the disposal of the said representation of the petitioner dated 05.09.2015.

8.In view of the fact that the representation of the petitioner is dated 05.09.2015 and since nearly 9 months have elapsed till this date,



the 1st respondent is to pass necessary orders on the representation of the petitioner within a period of 8 weeks from the date of receipt of a copy of this order.

9. With the aforesaid observation, the Writ petition is disposed of.
No costs.

Sd/
Assistant Registrar (Crl. Side)

/TRUE COPY/

Sub Assistant Registrar

To

1. The District Educational Officer,
Thoothukudi District, Thoothukudi.

2. The Tuticorin Diocesan Association,
(Registration No.1 / 1937 - 38),
Rep. by its Procurator & Chief Functionary,
Thoothukudi District.

+1cc to M/S.J.Ashok, Advocate in SR.No.33848
+1cc to Special Government Pleader in SR.No.33900

W.P. (MD) No.11252 of 2016
28.06.2016

nbj

PA/SK-SKN/13.07.2016/3P/5C