



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2016

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition (MD) No.1350 of 2016

WEB COPY

A.Sudarvizhi
The President,
Parent Teachers Association,
Government Girls Higher Secondary School,
Arasu Nilaipalayam,
Trichy District.

... Petitioner

Vs.

- 1.The Secretary to Government,
School Education Department,
Government of Tamil Nadu,
Fort St., George,
Chennai 600 009.
- 2.The Director of School Education,
Chennai 600 006.
- 3.The District Collector,
Trichy District.
- 4.The Chief Educational Officer,
Office of the Chief Educational Officer,
Tiruchirappalli.
- 5.The Headmaster,
Government High School,
Arasu Nilaipalayam,
Trichy District.
- 6.The Headmistress
Government Higher Secondary School,
Arasu Nilaipalayam,
Trichy District.
- 7.The Deputy Superintendent of Police,
Manapparai, Trichy District.
- 8.The Tahsildar,
Manapparai Taluk,
Trichy District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 3 to 5 herein to shift the remaining 43 girl students from IX Std. and 39 girl students from X Std. from 5th respondent school to the 6th respondent school as per G.O. Ms.no.65 dated 21.5.2014 issued by the 1st respondent immediately preferably before commencement of 10th Public Examination in April 2016.



For Petitioner : M/s.J.Padhmaavathi Devi
For Respondents : Mr.V.Muruganandam,
Additional Government Pleader.

ORDER

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The President of the Parent Teachers Association, Government Girls Higher Secondary School, Arasunilaipalayam, has come up with the above writ petition seeking for the issue of a writ of mandamus, to direct the respondents 3 to 5 to shift the remaining 43 girl students from IX Standard and 39 girl students from X Standard from the fifth respondent school to the sixth respondent school as per G.O.Ms.No.65, dated 21.5.2014 issued by the first respondent immediately preferably before the commencement of 10th Public Examination in April 2016.

2.Heard the learned counsel for the petitioner. Mr.V.Muruganandam, learned Additional Government Pleader, takes notice for the respondents.

3.The Government Order in G.O.Ms.No.65, dated 21.05.2014 is to bifurcate the co-education school into boys school and girls school separately. As per the said Government Order, the sixth respondent school is bifurcated exclusively for girl students. The fifth respondent school earlier had 77 girls in 9th standard and 85 girls in 10th standard. Subsequent to the Government Order, excepting the petition mentioned number of girls, the rest of the girls have moved to the sixth respondent school. It is at this juncture, the present writ petition has been filed for the relief stated supra.

4.The contention of the learned Additional Government Pleader is that a number of parents did not want to shift their wards to the new school in view of the distance which is approximately 4 kms from the fifth respondent school to the sixth respondent school. In this regard, a peace committee meeting was also said to be held between the villagers, parents and other officers. In the said meeting, it was decided that after the disposal of the writ petition in W.P(MD)No.14127 of 2014, a decision would be taken based on the order passed in the writ petition. The said writ petition was filed in public interest seeking for a direction to the respondents not to shift the newly created Girls High School to the old building and maintain the newly created Girls High School in the present building itself. The said writ petition was dismissed on 02.09.2015 observing that there was no element of public interest involved in the writ petition as it was only administrative decision to be taken by the authorities concerned. However, the relief sought for in the said writ petition will have no bearing over the claim of the writ petitioner herein.

5.Be that as it may, now the academic year is coming to close especially when the 10th standard examination is scheduled to be held in the month of March 2016, in the interest of students, it will not be advisable to shift them, at this point of time whether they are willing or not.



6. Learned counsel for the petitioner submitted that the roll-call for the girl students are only with the Girls School and also teaching faculties are with the Girls School and the continuance of the Girls School in the co-education school would be detrimental to their interest.

7. The said aspect need not be gone into as the parents could be the better person to decide about the best position of their children.

8. In the light of the above said facts, it would be desirous to permit the girl students who are still with the fifth respondent school to continue their studies for the present academic year. Those who are going to write 10th standard examination for the present academic year would necessarily have to opt out as there is no provision for admitting the girl students in the fifth respondent school for 11th standard and 12th standard. Similarly, after completing the examination in the 9th standard for the present academic year, the girl students can seek admission for the 10th standard in the sixth respondent school from the next academic year. Therefore, the dispute can be resolved by this arrangement without any detrimental to either of the parties.

9. Accordingly, the respondents 1 to 4 are directed to strictly follow the above direction and not to make any chaos or confusion leading to any kind of agitation involving the students which is deprecated by this Court. They shall also ensure that the said arrangement should be carried out in a smooth manner.

10. The writ petition is disposed of in the above terms. No costs.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
School Education Department,
Government of Tamil Nadu, Fort St., George, Chennai 600 009.

2. The Director of School Education, Chennai 600 006.

3. The District Collector, Trichy District.

4. The Chief Educational Officer,
Office of the Chief Educational Officer, Tiruchirappalli.

5. The Headmaster,
Government High School, Arasu Nilaipalayam, Trichy District.

6. The Headmistress
Government Higher Secondary School,
Arasu Nilaipalayam, Trichy District.



7.The Deputy Superintendent of Police,
Manapparai, Trichy District.

8.The Tahsildar,
Manapparai Taluk, Trichy District.

+1 CC to the Special Government Pleader, SR No.8146

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sms

SH/GSV-AN :17.02.2016:4P/10C