



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.[MD].No.17386 of 2016

T.Vadivel

:Petitioner

Vs.

1.State Represented by

The Secretary to Government,
School Education Department,
Fort St. George,
Chennai-600 009.

2.The Director of Elementary Education,
Chennai.

[The cause-title of the second respondent is
amended as per the order of this Court
dated 21.10.2016]

3.The District Elementary Educational officer,
Virudhunagar District,
Virudhunagar.

4.The Assistant Elementary Educational Officer,
Kariyapatti, Virudhunagar District.

5.The District Collector,
Virudhunagar District,
Virudhunagar.

6.Serva Seva Schools
Child & Women Welfare Programme
of ASSEFA,
1, Lady Doak College Road,
Madurai-625 002.

[R-6 impleaded as per the order of
this Court dated 19.09.2016, in
W.M.P.(M)No.12795 of 2016].

:Respondents

PRAYER: Writ Petition is filed under Article 226 of the
Constitution of India to issue a Writ of Mandamus, directing the
second respondent to issue suitable orders to take over the school
based on the proposal of the third respondent in
Na.Ka.No.489/B5/2016, dated 17.03.2016 and based on their
representation dated 24.06.2016 according to law.



For Petitioner : Mr.A.Prasanna Rajadurai
For Respondent No.1 : Mr.VR.Shanmuganathan,
Special Government Pleader
For Respondents 2to5 : Mr.S.Chandrasekar,
Government Advocate
For Respondent No.6 : Mr.T.Vadivelan

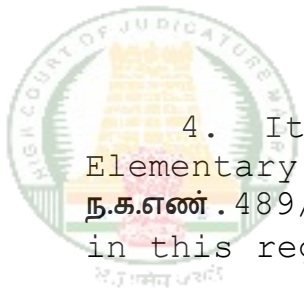
O R D E R

[Order of the Court was made by S.NAGAMUTHU, J.]

This is a Public Interest Litigation. The petitioner is a resident of Kallamparambur Village in Virudhunagar District. According to the petitioner, an Organization known as "ASSEFA Thondu Niruvanam" (respondent No.6), got permission from the authorities in the year 1994 and started a School known as Sarva Seva Primary School. The recognition for the School was issued by the Director of Elementary Education, by his proceedings in மு.மு.எண்.32656/தொ.க./ஜே1/1994, dated 21.03.1995. The recognition was, later, extended, by order dated 09.09.2009 and the School functioned upto 31.01.2012. Thereafter, the Management of the School expressed inability to continue to run the School. Therefore, during the Educational year 2014-2015, the Management of the School made a proposal to the respondents 1 to 5 to surrender the School to the Government, so that, the Government could take over and run the School. For that purpose, the Management has transferred title for the property, building and all the other materials, such as, chair, table, desk, etc., to the Government. Thus, the patta for the property, where the School is located, has already been transferred to the Government. Thereafter, the District Elementary Educational Officer submitted a proposal to the second respondent, by his proceedings in ந.க.எண்.489/ஆ5/2016, dated 17.03.2016, requesting for further action to take over the School by the Government.

2. It is reported to this Court that based on the said proposal, a teacher working in a Government School was deputed to the said School and the School is being run under the direct supervision of the District Elementary Educational Officer. It is also reported that no staff member appointed by the Management has been allowed to continue in service in the School. Thus, as of now, the School is run only by the District Elementary Educational Officer.

3. The grievance of the petitioner is that there has been no formal order passed by the Government taking over the School in a full-fledged manner. Therefore, he has come up with this Writ petition.



4. It is also brought to our notice that the District Elementary Educational Officer, by his proceedings in ந.க.எண்.489/ஆ5/2016, dated 20.09.2016, submitted a further proposal in this regard with necessary documents.

5. The second respondent has made appearance today before this Court and he has also submitted a copy of the proceedings in ந.க.எண்.008322/கே4/2016, dated 18.10.2016. In the said proceedings, he has stated that all official formalities at the end of the Director of Elementary Educational Officer and the Director have been completed. More specifically, he has stated that the patta for the land has been transferred to the Government and the Stability Certificate for the building has also been obtained from the competent authority. He has further stated that the Deputy Director of Health, Virudhunagar District has also issued appropriate Sanitary Certificate. The Fire Service Authority has also given necessary Certificate. He has also stated that the Headmasters of the two Schools situated somewhere near the said School have also given no objection, since those Schools are situated at a distance of more than 1 kilometre from this School. Thus, according to the said proceedings of the second respondent, there can be no legal impediment for taking over the School in a full-fledged manner by the Government and to run the same for the benefit of the children hailing from the said Village and the neighbouring Villages.

6. Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the first respondent would submit that based on the said proposal submitted by the second respondent, the first respondent shall pass appropriate orders, within a reasonable time. The same is recorded.

7. In view of the above factual position, this Writ Petition is allowed in the following terms:

(i) The first respondent shall consider the proposal submitted by the second respondent in ந.க.எண்.008322/கே4/2016, dated 18.10.2016 and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

(ii) Until a final decision is taken in this matter by the first respondent, the interest of the children, who are already studying in the School, shall be well protected by the respondents.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.



To

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

2.The Director of Elementary Education,
Chennai.

3.The District Elementary Educational officer,
Virudhunagar District,
Virudhunagar.

4.The Assistant Elementary Educational Officer,
Kariyapatti,
Virudhunagar District.

5.The District Collector,
Virudhunagar District,
Virudhunagar.

+1cc to the Special Government Pleader, in SR.62941

+1cc to M/s.A.Prasanna Rajadurai, Advocate in SR.63420

W.P.[MD].No.17386 of 2016

Dated: 21.10.2016

sml

PBK/GSV-PM/SAR-I 24/10/2016 ::4P-8C:(IT)