



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.09.2016**

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**

AND

THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN**

W.P. [MD] .No.18251 of 2016

and

W.M.P. (MD) No.13159 of 2016

1.Association of Veteran Employees of
Minority Academic Recognized Institutions
of All kind (AVE MARIA) represented by
its Secretary S.Peter Raj

2.S.Peter Raj : Petitioners

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
School Education Department,
Fort St. George, Chennai-600 009.

2.The Director of School Education,
College Road, Chennai-600 006.

3.The Joint Director of School Education (Secondary),
College Road, Chennai-600 006. : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to

(i) File counter in a reasonable time in the matter remitted by the Hon'ble Supreme Court dated 04.03.2003 for adjudication and re-examination and for fresh consideration according to law, or in the alternative, to direct the respondents to

(ii) enact the new Comprehensive Act within a time frame which may be fixed by this Hon'ble Court;

(iii) pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioners

: Mr.T.N.Vidyanandan

For Respondents

: Mr.Aayiram K.Selvakumar,
Government Advocate

**O R D E R**

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

The petitioners have come up with this Writ Petition under the guise of a Public Interest Litigation with a peculiar prayer, which reads as follows:

"Writ of Mandamus, directing the respondents to

(i) File counter in a reasonable time in the matter remitted by the Hon'ble Supreme Court dated 04.03.2003 for adjudication and re-examination and for fresh consideration according to law, or in the alternative, to direct the respondents to

(ii) enact the new Comprehensive Act within a time frame which may be fixed by this Hon'ble Court;

(iii) pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice."

2. This Writ Petition has come up today for admission. We have heard the learned counsel appearing for the petitioners and Mr.Aayiram K.Selvakumar, learned Government Advocate, taking notice on behalf of the respondents.

3. From the records available, it is crystal clear that a batch of Writ Petitions in W.P.Nos.4478 of 1974, etc., batch, was disposed of by a Division Bench, sitting in the Principal Bench, on 10.10.2012. Those matters were examined by the Hon'ble Supreme Court and the Hon'ble Supreme Court has remitted the matter back for re-consideration. Thus, it appears that the matters are pending before the Principal Bench. At any rate, if counter is not filed in a particular case, it is for the aggrieved to approach the said Court to make an appeal to the Court to direct the party concerned to file appropriate counter. For a direction to the respondents in a different case to file counter, a separate Writ Petition cannot be entertained. In such view of the matter, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar

To

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



2.The Director of School Education,
College Road, Chennai-600 006.

3.The Joint Director of School Education (Secondary),
College Road, Chennai-600 006.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.55632

+1 CC to Mr.T.N. VIDYANDAN, Advocate, SR No.55855

**Order made in
W.P. [MD] .No.18251 of 2016 and
W.M.P. (MD)No.13159 of 2016
Dated: 23.09.2016**

SML

SH/AAL-MPA:06.10.2016:3P/6C