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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 14.11.2016
CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P(MD)No.21121 of 2016
and W.M.P.No.15103 of 2016

M.ALAGARSAMY
S/O. MARIAPPAGOUNDER PUDUKKOTTAI
THASARIPATTY CHATHIRAPATTY ODDANCHATHIRAM
TK DINDIGUL DISTRICT. .. Petitioner

Vs.

- 1 THE DIRECTOR OF SCHOOL
EDUCATION, SCHOOL EDUCATION DEPARTMENT, DPI
CAMPUS, CHENNAI.
- 2 THE DIRECTOR
ELEMENTARY EDUCATION DEPARTMENT, CHENNAI.
- 3 THE DISTRICT EDUCATIONAL
OFFICER, DINDIGUL DISTRICT, DINDIGUL.
- 4 THE DISTRICT ELEMENTARY
EDUCATIONAL OFFICER, DINDIGUL DISTRICT
DINDIGUL.
- 5 THE INSPECTOR OF MATRICULATION
SCHOOLS, DINDIGUL DISTRICT, DINDIGUL.
- 6 NATARAJAN
S/O. NOT KNOWN, TRIUMPH ACADEMY NURSERY AND
PRIMARY SCHOOL D.PUDUKOTTAI CHATRAPATTY
DINDIGUL DISTRICT. .. Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondents 1 to 5 to consider petitioners representation dated 15.09.2016 and to inspect the school running by the 6th Respondent and order to close the same if it is found that the school is running in contravention of the Right of Children to Free and Compulsory Education Act 2009 and take appropriate action against the officials who are responsible to allow the 6th Respondent to run an unrecognized school in the name of Triumph Academy Nursery and Primary School, D.Pudukottai, Chatrapatty, Dindigul District.



For Petitioner
For Respondents

: Mr.M.Karthikeya Venkatachalapathy
: Mr.T.R.Janarthanam
Addl. Government Pleader

ORDER

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(Order of the Court was made by S.NAGAMUTHU, J.)

The petitioner has come up with this writ petition seeking mandamus to direct the respondents 1 to 5 to consider his representation dated 15.09.2016, wherein, he has requested the respondents 1 to 5 to inspect the school run by the 6th respondent and to pass an order to close the same, if it is found that the school is running in contravention of the Right of Children to Free and Compulsory Education Act, 2009 and take appropriate action against the officials to run an unrecognized school in the name of Triumph Academy Nursery and Primary School, D.Pudukottai, Chatrapatty, Dindigul District.

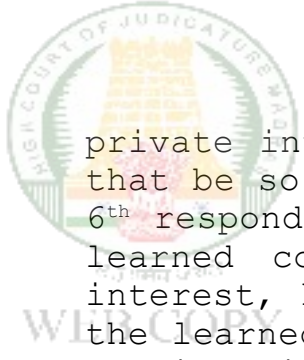
2. We have heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents. We have not ordered notice to the 6th respondent.

3. This writ petition has been filed as a private interest litigation and it came up before the learned Single Judge of this Court. The learned single Judge found that the allegations in the affidavit filed in support of the writ petition make out a litigation of public in nature and therefore, he ordered the matter to be listed before us. That is how, it is before us as a public interest litigation.

4. The learned counsel for the petitioner would submit that the 6th respondent had encroached upon the public pathway. In respect of the same, there is a dispute between the petitioner and the 6th respondent. There is also a civil suit pending in respect of the same. The learned counsel for the petitioner would submit that later, he came to know that the school is running by the 6th respondent, admitting students upto 9th standard, without getting any recognition from the authorities concerned as per the Right of Children to Free and Compulsory Education Act. He has further stated in Paragraph No.4 of the affidavit that the 6th respondent is running the school in gross violation of the said Act.

5. The learned Additional Government Pleader, on instructions from the official respondents, would submit that the school run by the 6th respondent has got due recognition and an order was passed on 04.01.2016. Thus, it is crystal clear that the petitioner has come up with this petition only to wreck his personal vengeance against the 6th respondent.

6. The learned counsel for the petitioner submitted that he did not file this as a public interest litigation and it is only a



private interest litigation between him and the 6th respondent. If that be so, he should have filed such a litigation only against the 6th respondent before the competent civil Court. When we asked the learned counsel for the petitioner as to what is the private interest, he has got in the school, which he wants to take action, the learned counsel for the petitioner submitted that the school is running without getting recognition. If that is his grievance, the litigation is only a public interest litigation. At any rate, the petitioner has wasted the time of this Court by filing this writ petition in order to settle his personal score against the 6th respondent. Therefore, the petitioner is not entitled for any relief. At the same time, we are bound to impose heavy cost on the petitioner. When this was pointed out, the learned counsel for the petitioner submitted that in respect of the recognition of the school, he made an application to the Information Officer, namely, the 4th respondent. The 4th respondent, in turn, got information from the School and informed him that there was no recognition. This was the reason why, he filed the writ petition. We are not at all persuaded by the said contention of the learned counsel for the petitioner.

7. In view of the above, the writ petition is dismissed with cost of Rs.2,000/-, which is to be paid to the Government Elementary School at Pudukottai, Thasaripatty, Chathirapatty, Oddanchathiram Taluk, Dindigul District. The payment shall be made by taking a demand draft drawn in the name of the Headmaster of the said school and the same shall be submitted to the Registrar (Administration) of this Court. The Registrar (Administration), in turn, shall forward the same to the Headmaster of the school and the Headmaster shall utilise the said amount for renovating the Toilet in the school. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS)

To

- 1 THE DIRECTOR OF SCHOOL EDUCATION ,
SCHOOL EDUCATION DEPARTMENT
DPI CAMPUS, CHENNAI.
- 2 THE DIRECTOR
ELEMENTARY EDUCATION DEPARTMENT, CHENNAI.
- 3 THE DISTRICT EDUCATIONAL OFFICER
DINDIGUL DISTRICT , DINDIGUL.



4 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
DINDIGUL DISTRICT
DINDIGUL.

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5 THE INSPECTOR OF MATRICULATION SCHOOLS
DINDIGUL DISTRICT, DINDIGUL.

6 THE REGISTRAR (ADMN)
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

1cc to Spl. Government Pleader, SR.69309
1cc to Mr.M.Karthikeya Venkatachalapathy, SR.68866

COPY TO:

THE HEADMASTER,
GOVT. ELEMENTARY SCHOOL,
PUDUKOTTAI, THASARIPATTY,
CHATHIRAPATTY, ODDANCHATHIRAM TALUK,
DINDIGUL

ORDER MADE IN
W.P(MD)No.21121 of 2016
and W.M.P.No.15103 of 2016
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