

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 09.02.2017

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.2073 of 2017

Deivanai Kumar

President,

Parent Teachers Association,

No.91/107, Pillaiyar Koil Street,

Rangapuram, Banavaram Post,

Nemili Taluk,

Vellore-632 505.

.... Petitioner

Vs.

1. The Secretary to Govt.,
Education Department,
Secretariat, Chennai - 600 009.
2. The Director of Elementary Education,
Directorate of Elementary Education,
DPI Complex, College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
Vellore District, Vellore.
4. The Additional Chief Educational Officer,
Sarva Shiksha Abhiyan (SSA)
Vellore District, Vellore.
5. The District Elementary Educational Officer,
Vellore District,
Vellore - 632 004.
6. The Assistant Elementary Educational Officer,
Kaveripakkam,
Vellore District.
7. The Headmaster,
Panchayat Union Elementary School,
Rangapuram
Banavaram Post, Vellore - 632 505.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for a writ of certiorarified Mandamus, calling for records pertaining to the order made in Letter No.27906/Nee.Va.2(2)/2016 dated 22.12.2016 passed by

the first respondent and further directing the first respondent to consider the proposal sent on 26.08.2016 by the seventh Respondent for upgradation of the Panchayat Union Elementary School situated at Arangapuram Vellore District as Middle School.

For Petitioner : Mr.Nagarathinam

For Respondents : Mr.V.Anandhamoorthy
Additional Government Pleader

O R D E R

This matter is listed today under the caption "for withdrawal". However, the learned counsel for the petitioner is not willing to withdraw the matter and therefore, the matter is taken up for hearing.

2.This writ petition has been filed by the petitioner challenging the order made in Letter No.27906/Nee.Va.2(2)/2016 dated 22.12.2016 passed by the Principal Secretary to Government, School Education Department, Secretariat, Chennai and further directing the respondent concerned to consider the proposal sent on 26.08.2016 by the seventh respondent for upgradation of the Panchayat Union Elementary School situated at Arangapuram Vellore District as Middle School.

3.Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing on behalf of the respondents.

4.On the earlier occasion, when a specific question is put to the learned counsel for the petitioner as to how the Parent Teachers' Association is liable to file the petition, when especially, the subject School has not preferred any appeal or challenge the impugned order dated 22.12.2016. The learned counsel for the petitioner would submit that the said Association is a powerful body in the School and hence, it has preferred the present writ petition for the above stated relief.

5.At the outset, a preliminary objection has been raised by the learned Additional Government Pleader asserting that the writ petition is not maintainable in view of the fact that the petitioner association has come forward with this writ petition with an omnibus prayer.

6.The said argument of the learned Additional Government Pleader is well founded. As pointed out by the learned Additional Government Pleader, the maintainability of the writ petition filed by an association came up for consideration before the Division Bench of this Court reported in 2005 Writ Law Reporter 389 [Tamilaga Asiriyar Kootani, rep. by the

General Secretary V.Annamalai Vs. The Government of Tamil Nadu, rep. by its Secretary to Government, School Education Department, Chennai-9 and others] wherein in para No.15, it was held as under:

"15.In our opinion, if any educational institution or Headmaster or Teacher is aggrieved by the impugned G.O.Ms.No.13 dated 09.02.2005, they can file a writ petition in this Court, challenging the same, but the appellant-association had no locus standi in the matter. It cannot be said that the educational institutions or Headmasters are so poor that they are unable to approach this Court. If any particular educational institution or Headmaster has a grievance against the impugned G.O.Ms.No.13 dated 09.02.2005, it is for such a person to file a writ petition or writ appeal, and not for any association. The writ appeal is dismissed on the ground of lack of locus standi. The writ petition is dismissed for the same reason."

7.Even otherwise, in this case, the impugned order of the Principal Secretary to Government, School Education Department, Secretariat, Chennai, dated 22.12.2016 clearly states that there are two Government Schools namely, Government Boys' Higher Secondary School and Government Girls' Higher Secondary School, within a distance of two kilometers from the Panchayat Union Elementary School, Arangapuram, Vellore District. At present, there are classes I to V in the said school and the school consists of only 105 students and the strength of five teachers namely, four teachers and one Headmaster. According to the recommendation of the Committee, the ratio of students and teacher is 35:1 whereas the school contains more number of teachers than the prescribed ratio. Considering the strength of the school, upgradation of the school is not possible now and the same would be considered only at the later point of time. In the considered opinion of this Court, the impugned order dated 22.12.2016 passed by the authority concerned is reasonable and there is no infirmity in the order passed by the authority and it is a flawless one and hence, this Court warrants no interference.

8.In view of the foregoing reasons and also in the light of the aforesaid decision of this Court, the petitioner association has no locus standi to file the present writ petition. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

DP

To

1. The Secretary to Govt.,
Education Department,
Secretariat, Chennai - 600 009.
2. The Director of Elementary Education,
Directorate of Elementary Education,
DPI Complex,
College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
Vellore District,
Vellore.
4. The Additional Chief Educational Officer,
Sarva Shiksha Abhiyan (SSA)
Vellore District, Vellore.
5. The District Elementary Educational Officer,
Vellore District,
Vellore - 632 004.
6. The Assistant Elementary Educational Officer,
Kaveripakkam,
Vellore District.
7. The Headmaster,
Panchayat Union Elementary School,
Rangapuram
Banavaram Post, Vellore - 632 505.

+2cc's to Mr.A.Nagamanickam, Advocate, S.R.Nos.6773 & 8287
+1cc to the Government Pleader, S.R.No.6511

Writ Petition No.2073 of 2017

MSM(CO)
CA(28/02/2017)