

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.12.2017

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The Hon'ble Mr.Justice T.S.Sivagnanam

&

The Hon'ble Mr.Justice K.Ravichandrabaabu

W.P.No.14632 of 2017

A. Perumal

...Petitioner

Vs.

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

2. The Director of School Education,
Office of the Directorate of School Education,
College Road, Nungambakkam,
Chennai - 600 006.

3. The Chief Educational Officer,
Master Plan Complex,
Villupuram - 605 602,
Villupuram District.

...Respondents

Prayer:

Writ Petition , filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents to direct the respondents to upgrade to Higher Secondary Government School, situated in Athiyur Thirukkai Village, in Vikravandi Taluk, Villupuram District, as per the representation letter made by the petitioner, dated 02.05.2017.

For Petitioner : Mr. Mr.S. Rajasekar

For Respondents : Mr. T.N. Rajagopalan
Government Pleader (i/c)

O R D E R

(Order of the Court was delivered by T.S.Sivagnanam, J.,)

Heard Mr.S.Rajasekar, the learned counsel appearing for the petitioner and Mr. T.N. Rajagopalan, the learned Government Pleader (i/c) appearing for the respondents.

2. The petitioner is the resident of Athiyur Thirukkai Village, in Villupuram, and has come forward with this Writ

Petition as Public Interest Litigation to upgrade the High School into Higher Secondary School, in his village. The Government High School, in the said Village was established in the year, 1994, by upgrading the then existing Panchayat Union Middle School. The School is located in an extent of 4.5 acres, which includes playground. During the year, 2009, the Villagers requested the Education Department to upgrade the School into the Higher Secondary School, and also remitted a sum of Rs.2,00,000/- into the Government account on 04.12.2009, as public contribution for upgradation. The Government appears to have not taken action for upgradation.

3. From the counter affidavit filed by the third respondent/Chief Educational Officer, we find that the Government Order, viz., G.O.(Ms). No.235 of School Education Department, dated 25.05.1997 is cited, as being the guidelines for up-gradation, and the High School, which is situated in the petitioner's village does not fulfill the conditions stipulated in the said Government Order, as it does not have sufficient accommodation and infrastructural facilities, and the strength of the students is also less than 100. One more reason cited in the counter affidavit for refusing the request for upgradation is that, no Higher Secondary School should function within a radius of 8 kms from the proposed School, and in the instant case, three Government Higher Secondary Schools are functioning within the radius of 8 kms from the proposed School, and therefore, the condition is not fulfilled.

4. Firstly, the Government Order, which was stated to have laid down the guidelines was issued far back in the year 1997. The scheme and the pattern of education and the aspirations of the students has changed in these 20 years manifold. Therefore, the Government should be proactive in the matter, and no archaic Rules and Regulations shall be adhered to, in rejecting the request for upgradation of the School made by the Villagers, especially, when they have voluntarily come forward to contribute Rs.2,00,000/- in the year 2009, by depositing the same in the Government account. We also feel that strict interpretation cannot be given for the distance rules between two schools.

5. Secondly, with regard to accommodation and infrastructural facilities, it is the Government, which has to provide accommodation and infrastructural facilities, and that cannot be cited as reason for not according upgradation of the High School into Higher Secondary School, in the petitioner's Village. If adequate infrastructural facilities are provided, with modern facilities, automatically, the strength of the students will also increase. Therefore, the Government should not approach the issue merely based on 'Number Game', but should have far reaching thought process in the matter to

provide good quality education. Therefore, we do not agree with the stand taken by the third respondent in the counter affidavit, for rejecting the request for upgradation of High School situated in the petitioner's Village.

6. With the above observations, we direct the respondents to accept the contribution given by the public, viz., a sum of Rs.2,00,000/- which remittance has been accepted in the counter affidavit, and pass appropriate orders for release of additional funds and ensure that the School is upgraded into Higher Secondary School with effect from the academic session 2018 onwards. It goes without saying that, necessary infrastructural facilities, such as provisions of class room, allotment of teachers, shall also be done well in advance.

7. With the above direction, we dispose of this Writ Petition. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

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RRK(20/12/2017)