

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21-09-2017

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.25193 of 2017

S.Thavamani,
President,
Parent Teachers Association,
Government High School,
Andipatti - 606 703,
Chengam Taluk,
Thiruvannamalai District. Petitioner

Vs

1.State of Tamilnadu,
Rep. by the Secretary to Government,
Education Department,
Fort St. George,
Chennai - 600 009.

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

3.The District Educational Officer,
Thiruvannamalai District,
Thiruvannamalai.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the Respondents herein to upgrade the Government High School, Andipatti Village, Sengam Taluk, Thiruvannamalai District from High School to Higher Secondary School within a stipulated period.

For Petitioner : Mr.K.Govi Ganesan

For Respondents : Mr.V.Anandhamoorthy
Additional Government Pleader

O R D E R

The petitioner is the President of Parent Teachers Association, Government High School, Andipatti Village, Chengam Taluk, Thiruvannamalai District. The High school is functioning with 435 children, out of which 100 students are studying in 10th standard. For studying Higher secondary course, the students have to join either Government Higher Secondary School, Melpallipattu which is 8 Kms away or Government Higher Secondary School, Sengam, which is 15 Kms away from Andipatti village. There are no proper facilities to reach the Higher Secondary Schools at Melpallipattu or Sengam and the students have to travel only by bicycle and they need to cross the forest area and during rainy season, the girl students find it very difficult to travel to the aforesaid schools.

2.Moreover, the economically and educationally Backward communities are residing more in that area and because of the absence of Higher Secondary Course in Andipatti High School, many poor students discontinue their education. In view of that, people of Andipatti approached the respondents in the year 2008, seeking upgradation of High School to Higher Secondary School. As per the directions of respondents a sum of Rs.2,00,000/- was paid namely Rs.1,00,000/- on 14.10.2008 and another sum of Rs.1,00,000/- on 22.06.2009 towards the contribution of the villagers.

3.Though a number of High schools in the district have been upgraded as Higher Secondary Schools, for the reasons best known to the respondents, the upgradation has not been granted to the petitioner school. For the past 7 years, the petitioner has been making earnest efforts to get upgradation of the High School as Higher Secondary School.

4.Though many representations have been given earlier, a resolution was passed in the Parent Teachers Association and a representation was made to the 2nd respondent on 10.07.2016, giving the details of infrastructures available and number of students studying in the school. Till date no order has been passed, which constrained the petitioner to approach this court.

5.Heard, Mr.Govi Ganesan, learned counsel appearing for the petitioner and Mr.V.Anandhamoorthy, learned Additional Government Pleader appearing for the respondents.

6.It is seen from the records that from the year 2008 the villagers and Parent Teachers Association have been continuously demanding upgradation of High School as Higher Secondary School. More than about 100 students are studying in the 10th standard, who requires to study +2 in the same school. Moreover, the High School is located in a very backward and rural area and the students have to pass through forest area to reach nearby Higher Secondary Schools, which are located about 8 Kms and 15 Kms away from Andipatti. The Higher Secondary course is not available in the same village and therefore, most of the villagers did not send their children for further studies in a far away place.

7.The right to education has been recognized as fundamental right and the education is a weapon for empowerment. Those persons who have been deprived of education should be encouraged to study and only then the cause of social justice will be achieved. More importantly the school is located in a very backward and rural area. The contribution which is required to be paid by the Parent Teachers Association and the villagers have been already made about 8 years ago. Though, many reasons have been given by the respondents, for not upgrading the High school, in view of the number of students studying in the school namely 435 and especially when 100 students are studying in the 10th standard and the location of High School in a very remote village, it is appropriate to direct the respondents to consider positively the demand of the petitioner for upgradation of High School into Higher Secondary School. The financial position should not be a prohibition for upgradation of school, as more deserving students requires education at the Higher Secondary level in Andipatti area. If upgradation is made, the students from nearby villages namely Melvanakkampadi, Melravanthavadi, Manikal, Kraimalaipadi and Puliampatti will be benefited.

8.Therefore, appropriate orders have to be passed positively by the respondents for upgrading the school in the next academic year on or before 31.03.2018. The necessity for directing the respondents to take such decision is to enable the school to get prepared for admission to Higher Secondary courses for the next academic year.

9.If a decision for upgradation of the schools as Higher Secondary School is made very late, as has been done is in this year during July 2017, the students who were supposed to join the very same school, would have joined in nearby schools. For the sake of convenience of all the persons especially those who are successfully completing the 10th standard in any school, the respondents are directed to take decision with regard to the upgradation of High School as Higher Secondary School throughout Tamil Nadu before 20th April of every year. Any belated

decision, that too, after starting of academic year will only prejudice the interest of the students as well as the school. Therefore, it is directed that the respondents shall take a decision with regard to upgradation either a Middle or High School as Higher Secondary School and pass orders In this regard, for all the schools in Tamil Nadu, on or before 20th April of every year.

10.The first and second respondents have to file an affidavit, when the matter is called for compliance with regard to general direction given issued this court in this writ petition. While taking a decision, the same has to be time bound with regard to upgradation.

11.Hence, with the above direction, this writ petition is allowed. No costs. Call the matter "for compliance" in the last week of April 2018.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

tkp/sai

To

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

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

3.The District Educational Officer,
Thiruvannamalai District,
Thiruvannamalai.

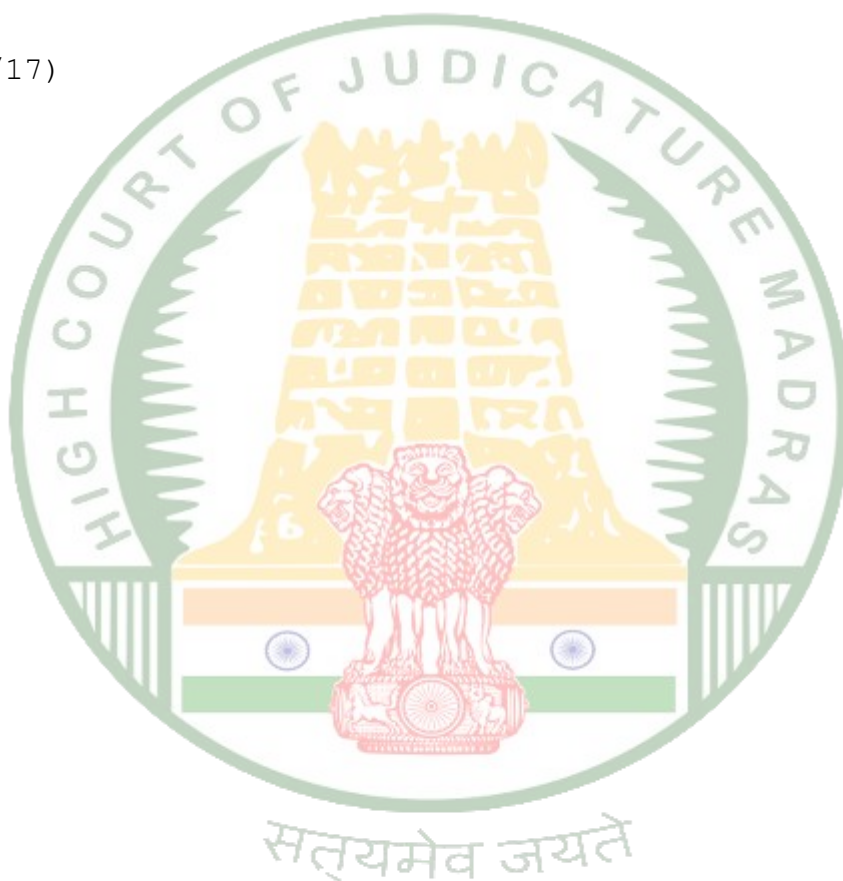
4.The Section Officer
Writ Section
High Court, Madras.

+2cc to Mr.K.Gobi Ganesan, Advocate, S.R.No.70565,70420

+1cc to the Government Pleader, S.R.No.70642

W.P.No.25193 of 2017

RSI (CO)
RMP (13/11/17)



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