

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.17491 of 2014
and
M.P.Nos.1 to 3 of 2014

Sudha Higher Secondary School,
rep. by its Principal - K. Venkatesan,
T.V. Malai Road, M.C. Nagar,
Thirukkanur, Puducherry. ... Petitioner

Versus

1. The Secretary to the Government,
Education Department,
Secretariat, Beach Road,
Puducherry.
2. The Joint-Director,
O/o. Directorate of School Education,
Perunthalaivar Kamarajar Education Building,
Anna Nagar, East Coast Road (ECR),
Puducherry. ... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus calling for the records culminating in the passing of the impugned orders in Memorandum bearing No.20009/DSE/HSAW/AC/A1/2013-14, dated March 5th, 2014; the order bearing No.15/DSE/HSW/AC/A1/2013-14, dated 19.05.2014 and the order bearing No.15/DSE/HSW/AC/A1/2013-14, dated 25.06.2014; by the 2nd respondent and quash the same and consequently direct the respondents to grant permission & allow the petitioner to admit students and commence activities for XI Standard for the academic year 2014-15 and for all subsequent academic years, based on the recognition already granted to the petitioner, within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.S.Gajendran
For Respondents : No Appearance

ORDER

This Writ Petition has been filed challenging the impugned orders in Memorandum bearing No.20009/DSE/HSW/AC/A1/2013-14, dated March 5th, 2014; the order bearing No.15/DSE/HSW/AC/A1/2013-14, dated 19.05.2014 and the order bearing No.15/DSE/HSW/AC/A1/2013-14, dated 25.06.2014 passed by the 2nd respondent, quash the same and consequently direct the respondents to grant permission & allow the petitioner to admit students and commence activities for XI Standard for the academic year 2014-15 and for all subsequent academic years, based on the recognition already granted to the petitioner, within a time frame to be fixed by this Hon'ble Court.

2. The case of the petitioner is that petitioner-school was established in the year 1989-1990 as a Primary School and upgraded as High School in 1999-2000. Further it was upgraded to Higher Secondary School in 2012-2013. It is stated that in the academic year 2013-2014, the petitioner had given 100% pass in the SSLC Examination. The petitioner was granted permission for two science groups in June 2013. While so, the second respondent Joint Director issued a memorandum bearing No.20009/DSE/HSW/AC/A1/2013-14, dated 05.03.2014, stating that the strength in XI Standard is very low; that it is not feasible to run the school with less number of students and that the petitioner is instructed not to admit students in XI Standard during 2014-15. The petitioner had submitted a reply dated 13.03.2014 stating that the School is situated in Rural area and therefore the student strength is weak. It is also further stated that the petitioner has taken intensive campaign among the locality informing the public regarding the starting of Higher Secondary Courses in the School and that the petitioner has five labs and got qualified teachers and hence requested the second respondent to allow the petitioner to admit students for 2014-15. However, the second respondent was insisting the school not to admit the students in XI Standard from 2014-15. Hence, a Writ Petition in W.P.No.14107/2014 was filed by the petitioner to quash the earlier impugned orders passed by the second respondent and for a direction to the respondents to grant permission to the petitioner to admit students for XI Standard for the academic year 2014-2015 and also for the further academic years.

3. This Court, by an order dated 29.05.2014 was pleased to permit the petitioner to receive applications from students for admission to +1 Courses. In compliance to the said order, the petitioner also received application forms from 54 students, which was informed to the respondents vide letters dated 04.06.2014, 11.06.2014 and 18.06.2014. In spite of receipt of the said letters, the respondents had not granted permission and the

second respondent also passed an order dated 25.06.2014 reiterating the order dated 19.05.2014. The reasons stated by the second respondent that since there is poor academic performance in the previous years especially 0% result in 2013-2014, the permission cannot be granted.

4. Aggrieved by the same, the present Writ Petition is filed.

5. It is now stated by the learned counsel for the petitioner that on 15.07.2016 in Proceedings No.10467/DSE/HSW/AC/A-1/Recogn/2015-16, the second respondent had passed an order granting renewal of the recognition to the petitioner school for conducting courses from LKG to XII Standard for the academic year 2015-2016 subject to the condition that disbursement of the employment salary should be made by ECS from 2016-17 and also sanctioned for conducting of Group code 102, 103 and 302. A copy of the same has been produced before this Court.

5. In view of the subsequent order passed, the Writ Petition has become infructuous as relief sought for by the petitioner is also satisfied.

6. Hence, recording the proceedings of the second respondent dated 15.07.2016, this Writ Petition is dismissed as infructuous. No Costs. Consequently connected Miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsi/arr

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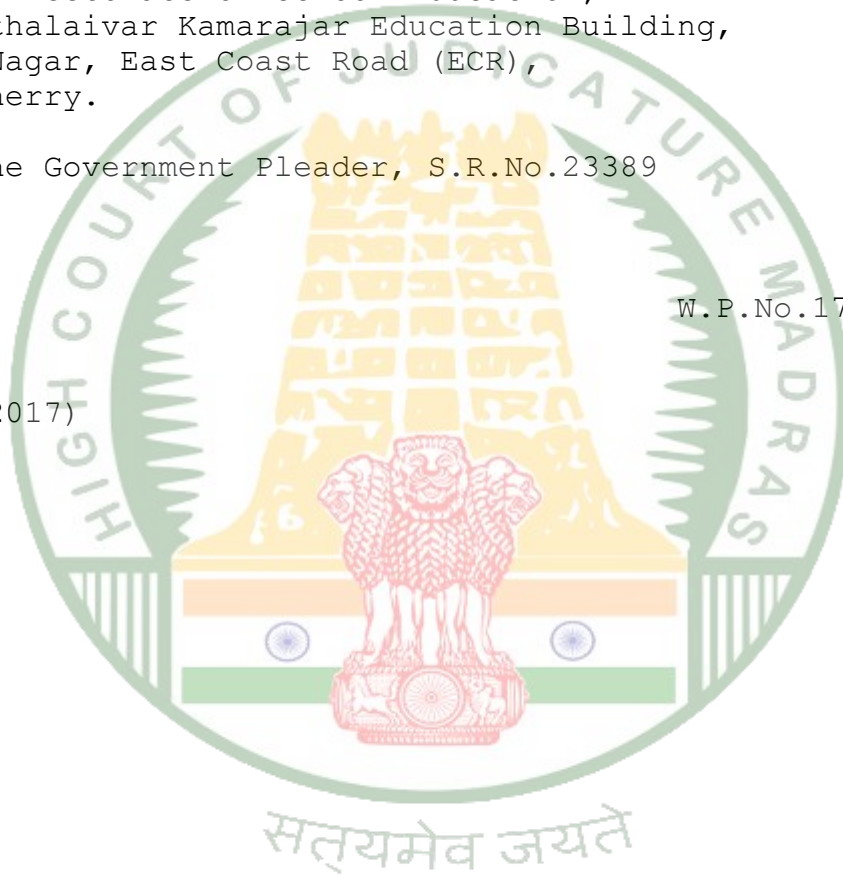
To

1. The Secretary to the Government,
Education Department,
Secretariat, Beach Road,
Puducherry.
2. The Joint-Director,
O/o. Directorate of School Education,
Perunthalaivar Kamarajar Education Building,
Anna Nagar, East Coast Road (ECR),
Puducherry.

+1cc to the Government Pleader, S.R.No.23389

W.P.No.17491 of 2014

RSI (CO)
RS (04/05/2017)



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