

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2017

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19252 of 2017

and

WMP.No.20760 of 2017

Don Bosco Higher Sec. School,
Rep. by its Rector & Correspondent,
Rev. Fr. Gregory Devarajan, SDB,
13, Casa Major Road,
Chennai - 600 008. Petitioner

-Vs-

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

2.Mrs. Sara Paul @ Saramma Paul Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent to consider the representations dated 23.11.2012, 24.07.2013, 18.06.2014 and 23.03.2016 directing the first respondent to consider the petitioner's representations in accordance with law and consequently pass orders on merits at the earliest, after giving the petitioner requisite opportunities of personal hearings with the respondent.

For Petitioner :: Mr.P.V. Balasubramaniam for
M/s. BFS Legal

For R1 :: Mrs. K. Bhuvaneswari
Government Advocate

For R2 :: Mr. K. Kannan for
Mr. S.V. Subramanian

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O R D E R

The relief sought for in this writ petition is to direct the respondent to consider the representations submitted by the writ petitioner.

2.The learned counsel appearing for the writ petitioner made a submission that in respect of the dispute relating to the Management of the writ petitioner School, the petitioner has preferred an appeal before the first respondent on 02.08.2007 and the same was acknowledged by the respondent in letter dated 27.07.2007 and the appeal is yet to be taken up for adjudication by the first respondent.

3.The learned counsel appearing for the second respondent states that already a decree was passed by the Civil Court in respect of the right of Management and therefore, the appeal becomes unnecessary.

4.However, this Court is of the view that the right of appeal of the parties to the Government need not be deprived and the Government being the final authority, an opportunity of exhausting of remedy of appeal is to be provided to the parties in respect of the dispute.

5.Thus, the first respondent is directed to consider the appeal submitted by the writ petitioner which was received by the Government on 29.06.2007 and pass orders on merits and in accordance with law. If necessary, by providing an opportunity to all the parties concerned, within a period of three months from the date of receipt of a copy of this order. The writ petitioner is directed to enclose the copy of the appeal and all other relevant documents along with the order passed in this writ petition to the first respondent.

6.Accordingly, the writ petition stands disposed of. However, there is no order as to costs. Consequently, the connected Miscellaneous petition is closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

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To

Principal Secretary to Government,
Secretariat, Fort St. George,
Education Department,
Chennai - 600 009.

+1cc to Mrs. K. Bhuvaneswari, Advocate in sr.no.79627

+1cc to M/s. BFS Legal, Advocate in sr.no.89820(15/12/2017)

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NR 07/12/2017



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