

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2017

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 12984 of 2013

A. Thirumal

..Petitioner

Vs.

1. The Secretary
Government of Tamil Nadu
Education Department
Fort St. George
Chennai - 600 009.
2. The District Collector
Vellore District
Vellore.
3. The District Principal Secretary
to Educational Officer
District Principal Education Office
Vellore District
Vellore
4. The District Revenue Officer
Vellore District
Vellore.
5. The Tahsildar
Walaja Taluk
Vellore District

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to dispose of the petitioner's representation dated 05.04.2013 regarding stopping of running the newly constructed school building and function the school in the same place and pass further orders.

For Petitioner : Mr. R. Ramesh

For Respondents : Mr. S. Diwakar,
Spl. Govt. Pleader

O R D E R

The petitioner has filed the present writ petition, seeking to direct the respondents to dispose of the petitioner's representation dated 05.04.2013 with regard to stoppage of functioning of the school in the newly constructed school building, in the same place.

2. Learned counsel for the petitioner submitted that the petitioner is the President of Baghaveli Government High School Parents Welfare Association. The Baghaveli High School is situated in the middle of the village and about 3 kms. away from the school, a new building is constructed. It is stated that the said locality is a forest area and it is unsafe for the students, particularly for girls. Some of the villagers, have agreed to provide a house as an alternative place. Learned counsel further submitted that the petitioner Association as well as the villagers are willing to provide vacant land and extend financial help, to run the school in a safe environment. In spite of the repeated approaches, the respondents continued the construction at the said place. Therefore, a representation dated 05.04.2013 was made to the respondents. Since, no action has been taken on the representation, the petitioner has filed this Writ Petition.

3. Learned Special Government Pleader representing the respondents, based on the counter filed by the 3rd respondent, submitted that the Panchayat Union Middle School, Baghaveli was upgraded as High School in the year 2006 with 169 students and so additional class rooms were required for Std. IX and X. Hence, as per the direction of Government, under the scheme of Nabbard Bank, in the year 2011 the said location was chosen for constructing a new building. According to the 3rd respondent, all the teachers and students are willing to work in the new constructed building and only the petitioner Association objects for running the school in the newly constructed building. The Government have sanctioned an estimated cost of Rs.77 lakhs towards the same. Therefore, learned Special Government Pleader submitted that on the above grounds, the representation of the petitioner could not be considered and the writ petition is liable to be dismissed.

4. Heard learned counsel for the petitioner and learned Special Government Pleader representing the respondents. Perused the material available on records.

5. Following the Government order, in G.O. Ms. No. 276 School Education (X1) Department dated 21.09.2010, an administrative order has been passed for construction of the building. Even according to the petitioner, the construction has commenced in the newly allotted place. It is seen that the petitioner has not challenged any further proceedings, for the

past three years. Therefore, at this stage, the prayer of the petitioner cannot be considered.

6. In view of the above, the Writ Petition is dismissed. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

avr

To

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Vellore District

+1cc to Mr.R.Ramesh,Sr.373

+1cc to Government Pleader sr.798

skv(co)
ss(6/3/2017)

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