



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.06.2017**

CORAM:

WEB COPY

THE HONOURABLE MS.INDIRA BANERJEE, CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.A.[MD].No.776 of 2017

and

C.M.P(MD).No.5596 of 2017

Moorthi Primary School,
Represented by its Manager,
J.R.John Samuel Nallathambi,
Kandiaperi, Thachanallur Post,
Tirunelveli District.

: Appellant

Vs.

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The District Elementary Educational Officer,
Office of the District Elementary Educational Officer,
S.N.High Road, Tirunelveli District.

3.The Assistant Elementary Educational Officer,
Office of the Assistant Elementary Educational Officer,
Manur, Rastha, Tirunelveli District.

4.The Assistant Elementary Educational Officer,
Office of the Assistant Elementary Educational Officer,
Tirunelveli Urban, S.N.High Road,
Tirunelveli District.

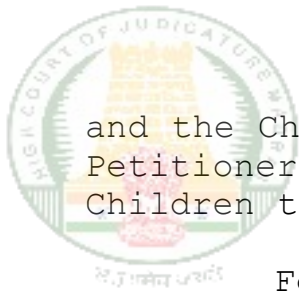
5.S.T.C.Kilai Mathakovil Primary School,
Rep by its Correspondent,
Courtallam Road, Tirunelveli Town,
Tirunelveli District.

: Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 18.04.2017 made in W.P.(MD).No.6956 of 2017, on the file of this Court.

Prayer in WP(MD). 6956/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Habeas Corpus directing the Respondent Nos.1 to 4 not to permit the Respondent No.5 from admitting the Petitioner's School Children



and the Children below 14 years residing in the census area of the Petitioner's School in violation of the Rule 6(6) of the Right of Children to Free and Compulsory Education Rules, 2010.

For Appellant

: Mr. Aswin Raja Simmar
For Mr. T. Lajapathi Roy

For Respondents 1 to 4 : Mr. VR. Shanmuganathan
Special Government Pleader

JUDGMENT

[Judgment of the Court was delivered by The Hon'ble Chief Justice]

This Writ Appeal is against the order dated 18.04.2017 passed by the learned Single Bench, dismissing the Writ Petition filed by the appellant seeking a Writ of Mandamus, directing the respondent Nos. 1 to 4 not to permit the respondent No. 5 from admitting children of the appellant school.

2. From the materials on record, it is patently clear that the appellant runs a rival school. The school children and/or their parents have absolute discretion to decide at which school they should study. The allegation of use of force is a factual issue and obviously, a disputed factual issue, which cannot be adjudicated in proceedings under Article 226 of the Constitution of India. *Prima facie*, it appears to us that the Writ Petition has been prompted by the ulterior intent of preventing students from seeking admission in a rival school set up in the locality. The learned Single Judge has very rightly dismissed the Writ Petition with the observation that a Writ Petition to promote personal agenda ought not to be entertained by this Court. The Writ Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(P&A)

/ True Copy /

Sub Assistant Registrar(C.S.)

To

1. The District Collector,
Tirunelveli District, Tirunelveli.

2. The District Elementary Educational Officer,
Office of the District Elementary Educational Officer,
S.N. High Road, Tirunelveli District.

3. The Assistant Elementary Educational Officer,
Office of the Assistant Elementary Educational Officer,
Manur, Rastha, Tirunelveli District.



4.The Assistant Elementary Educational Officer,
Office of the Assistant Elementary Educational Officer,
Tirunelveli Urban, S.N.High Road,
Tirunelveli District.

+1cc to Special Government Pleader, SR.No. 62299

NB/rsb

MAS/JC/SAR4:04.07.2017:3P-6C

JUDGMENT MADE IN
W.A.[MD].No.776 of 2017
23.06.2017