



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) Nos.14838 to 14840 of 2017

and

WMP(MD)Nos.11679 to 11681 of 2017

M.Vijayakumar ... Petitioner in WP(MD)No.14838/2017

D.Mariyal ... Petitioner in WP(MD)No.14839/2017

Stella Mary ... Petitioner in WP(MD)No.14840/2017

vs.

1.The Director of School Education,
School Education Department,
Chennai.

2.The Chief Educational Officer,
Tuticorin District.

3.The District Educational Officer,
Tuticorin,
Tuticorin District.

4.The District Inspector of Physical Education,
Tuticorin District.

5.Karapatti Boys Higher Secondary School,
through its Headmaster
Tuticorin District.

... Respondents in all WPs.

Petitions filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records of the impugned proceedings issued by fourth respondent in Na.Ka.No.27/2017 dated 26.07.2017 and quash the same and further direct the respondents 1 to 5 herein to allow / permit the petitioners' sons Minor Viswanth, S.Xavier Donald and D.Paul Johnson respectively to continue and complete their studies in 12th standard in 5th respondent school and pass appropriate orders within a time stipulated by this Court.



For Petitioner : Mr.V.Meenakshi Sundaram
For RR - 1 to 4 : Mr.J.Gunaseelan Muthiah
Government Advocate.
For R - 5 : Mr.G.Mohankumar
(all writ petitions)

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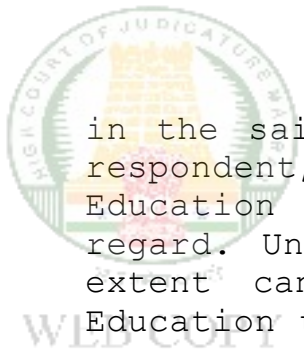
COMMON ORDER

These writ petitions have been filed seeking to quash the impugned proceedings of the fourth respondent in Na.Ka.No.27/2017 dated 26.07.2017 and consequently direct the respondents to allow / permit the petitioners' sons viz., minor Viswanth, S.Xavier Donald and D.Paul Johnson respectively to continue and complete their studies in 12th standard in the fifth respondent school.

2.The case of the petitioners is that due to family circumstances, their sons have discontinued their studies from the fifth respondent school in the academic year 2016-2017 and subsequently got admission in the same school for the next academic year 2017-2018. In the meantime, they have participated in under-19 kabadi match and won the finals by beating St.Mary's Boys Higher Secondary School's kabadi team. The runner up team made protest against the three players, represented the fifth respondent school who are not eligible to participate in the match as they are repeating the 12th standard which is impermissible. Thereafter, the fourth respondent conducted enquiry and passed the impugned order dated 26.07.2017 disqualifying the said three players and cancelled the first prize won by the fifth respondent school. The fourth respondent has also observed in the impugned order that the petitioners' sons viz., Viswanth, S.Xavier Donald and D.Paul Johnson are ineligible to continue 12th standard. Challenging the same, the present writ petitions have been filed.

3.The learned counsel appearing for the petitioners would submit that pursuant to the impugned order passed by the fourth respondent, the respondents 2 and 3 directed the fifth respondent school not to allow the said three students to attend 12th standard classes and also directed to issue Transfer Certificate to the said students. Hence, the petitioners have sent a representation dated 28.07.2017 seeking continuance of their education in the same school. Since the same has not been considered by the respondents so far, the petitioners are before this Court with the above prayer.

4.The impugned order in these writ petitions is one and the same, wherein, the fourth respondent while prohibiting the physical education teacher to be the team manager as well as the referee for the said event for the year 2017-2018 observed that the petitioners' sons are not entitled to continue their education



in the said school. Such decision cannot be taken by the fourth respondent, since the first respondent, Director of School Education is the competent authority to take decision in this regard. Under the said circumstances, the impugned order to that extent cannot survive and it is for the Director of School Education to pass any orders, if required.

5.It has been brought to the notice of this Court that in similar circumstances, by the proceedings dated 24.09.2012, the District Educational Officer, Cheranmahadevi granted similar relief and allowed a student mentioned therein to continue his education. In view of the above, this Court, by order dated 18.08.2017, already permitted the petitioners' sons to attend the classes and it would be appropriate that the same shall be in force for the entire academic year 2017-2018.

6.The writ petitions are disposed of with the above observation. No costs. Consequently, WMP(MD)Nos.11679 to 11681 of 2017 are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Director of School Education,
School Education Department, Chennai.

2.The Chief Educational Officer, Tuticorin District.

3.The District Educational Officer,
Tuticorin, Tuticorin District.

4.The District Inspector of Physical Education, Tuticorin District.

+1cc to M/S.D.NALLA THAMBI, Advocate SR.No.829696

+3cc to Special Government Pleader, SR.Nos.82916,82872&82871

mj

MAS/JC/SAR2:02.11.2017:2P-7C

W.P(MD) Nos.14838 to 14840 of 2017
12.10.2017