



WEB COPY

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) No.16745 of 2017

and

WMP(MD) Nos.13355 and 13356 of 2017

Karapettai Boys Higher Secondary School
rep.through its Correspondent cum Secretary,
N.T.Selvaraj
Tuticorin District.

... Petitioner

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.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the fourth respondent dated 26.07.2017 in Na.Ka.No.27/2017 and quash the same and consequently direct the respondents to permit the petitioner School Kabaddi Team to participate in the Tirunelveli Divisional Kabaddi Matches 2017-18 and pass appropriate orders within a time stipulated by this court.

For Petitioner : Mr.G.Mohankumar

For Respondents : Mr.J.Gunaseelan Muthiah
Government Advocate.

**ORDER**

This writ petition has been filed seeking to quash the impugned order passed by the fourth respondent dated 26.07.2017 in Na.Ka.No.27/2017 and consequently direct the respondents to permit the petitioner school kabadi team to participate in the Tirunelveli Divisional Kabadi Matches in 2017-2018.

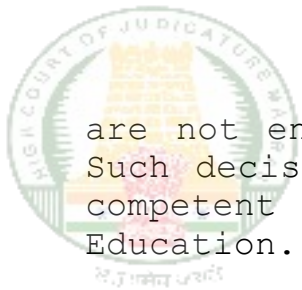
2.The case of the petitioner is that the team represented by the petitioner school participated in under-19 kabadi match and won the finals by beating St.Mary's Boys Higher Secondary School's kabadi team. The runner up team made protest against three players, represented by the petitioner school stating that they are not eligible to participate in the match, as they are repeating 12th standard and they have given false date of birth. The fourth respondent conducted enquiry and passed the impugned order dated 26.07.2017 disqualifying the three players and cancelled the first prize won by the petitioner school. Challenging the same, the present writ petition has been filed.

3.The learned counsel for the petitioner would submit that even prior to the match, the team represented by St.Mary's Boys Higher Secondary School knew the fact that the three players represented by the petitioner school are repeating 12th standard course and at that time, they have not raised any objection and only after being defeated, they have chosen to lodge the complaint and the fourth respondent also erroneously passed the impugned order. Hence, the same is liable to be set aside.

4.The learned Government Advocate appearing for the respondents would submit that the three students who were disqualified by the fourth respondent were already issued Nominal Role Numbers by the Department of Government Examinations for Higher Secondary for March - 2017 and hence, they cannot be the students of the same school for next academic year and despite knowing the said fact, the petitioner school has made the students to participate in the match and the fourth respondent after considering the entire materials, has rightly passed the impugned order and the same does not call for any interference.

5.Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

6.From the perusal of the typed set of papers, it is seen that the said three students have discontinued their studies in the academic year 2016-2017 and again they joined in the school for the academic year 2017-2018 and during that period, they have participated in the tournament and won the match, which cannot be ~~accepted~~ and the fourth respondent has rightly passed the impugned order. However, the fourth respondent observed that the students



are not entitled to continue their education in the said school. Such decision cannot be taken by the fourth respondent, since the competent authority is the first respondent, Director of School Education.

7. Under such circumstances, the impugned order is set aside only to the extent, which deals with continuance of education by the students, which ultimately to be decided by the Director of School Education. It is always open to the school to participate in the 2017-2018 event, if there is no prohibitory order in force for the year.

8. The Writ Petition is disposed of with the above observation. No costs. Consequently, WMP(MD) Nos. 13355 and 13356 of 2017 are closed.

Sd/-

Assistant Registrar(Records)

/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 The Special Government Pleader in SR.Nos.82807,82915

mj

AE/KP/SAR4/02.11.2017/3P/6C

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