



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3208 of 2017
and
W.M.P(MD) .No.8294 of 2017

S.H.Rizwan

... Petitioner

vs.

1.The Director of School Education,
College Road,
Chennai - 600 006.

2.The Joint Director of School Education,
College Road,
Chennai - 600 006.

3.The Chief Educational Officer,
Chief Educational Office,
Thoothukudi - 628 003.

4.The District Educational Officer,
District Educational Office,
Thoothukudi - 628 003.

5.The District Elementary School Officer,
District Elementary School Office,
Thoothukudi - 628 003.

6.The Correspondent,
Central Higher Secondary School,
Thoothukudi.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondents 1 to 5 to take appropriate action as against the sixth respondent school as per the G.O.Ms.No.648 dated 03.08.1994 and mandatory rules contemplated under the Rules regulated by the Government for the Minority Education Institution by considering petitioner's representations dated 21.12.2014, 15.06.2015 and 19.08.2015.



For Petitioner : Mr.J.David Ganeshan

For Respondents : Mr.M.Govindan,
Spl.G.P. For RR1 to 5
Mr.Jerin Mathew for Mr.M.E.Ilango for R6

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O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J)

This writ petition has been filed for directing the Education Department / respondents 1 to 5 to take action against the sixth respondent school.

2.The writ petitioner has alleged in his affidavit that the sixth respondent school is being run even without the basic facilities. In order to test the veracity of the allegations made in the affidavit filed in support of the writ petition, this Court appointed an Advocate Commissioner. The said Advocate Commissioner made inspection of the school in question and has filed a report dated 17 July 2017. A mere perusal of the said report would show the sorry state of affairs presently prevailing in the said school. The report states that there is not even a bathroom for the students. Several other defects have also been highlighted. We take a very serious view of the situation.

3.The learned counsel for the sixth respondent would allege that the writ petition is an out come of personal vendetta. Be that as it may, we cannot shut our eyes. This is because the issue concerns the interest of school children.

4.We therefore direct the first respondent to act on the representations submitted by the petitioner on various dates. Copies of the said representations are enclosed in the typed set of papers. The first respondent shall cause personal inspection to be done by the District Level authorities. After obtaining field inspection report from the district level authorities, the first respondent shall issue an appropriate direction, calling upon the sixth respondent to set right the defects.

5.The first respondent shall pass a detailed and speaking order and set out the individual defects to be rectified. The first respondent shall give reasonable time to the sixth respondent school management to set right the prevailing state of affairs. If even after the expiry of such reasonable time to be granted by the sixth respondent, there is no improvement in the situation, the first respondent shall take steps to close down the school and shift the children to nearby Government schools. The first respondent before passing such direction shall issue notice to the sixth respondent. The first respondent shall pass orders



as indicated above on the petitioner's representation within a period of two months.

6.The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub-Assistant Registrar

To

1.The Director of School Education,
College Road, Chennai - 600 006.

2.The Joint Director of School Education,
College Road, Chennai - 600 006.

3.The Chief Educational Officer,
Chief Educational Office, Thoothukudi - 628 003.

4.The District Educational Officer,
District Educational Office,Thoothukudi - 628 003.

5.The District Elementary School Officer,
District Elementary School Office,
Thoothukudi - 628 003.

+One cc to The Special Government Pleader, SR.No.66575

+One cc to Mr.J.David Ganesan, Advocate, SR.No.66447

+One cc to Mr.M.E.Elango, Advocate, SR.No.66115

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RL/9C/3P/GT/SAR1/27/7/2017

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and

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