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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2017

CORAM

THE HON'BLE MR.JUSTICE A.SELVAM
and
THE HON'BLE MR.JUSTICE P.KALAIYARASAN

W.P(MD) No.731 of 2017

L.Swaminathan ... Petitioner
-vs-

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

2.The Chief Educational Officer,
Trichy - 620 008.

3.The District Educational Officer,
Trichy - 620 001.

4.R.Sundar
Headmaster,
E.R.Higher Secondary School,
Trichy - 620 002. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the second and third respondents to take necessary action against the fourth respondent, so as to recover the amount illegally collected from the students in the fourth respondent school and refunding the same to them.

For Petitioner	: Mr.K.Govindarajan
For RR - 1 to 3	: Mr.D.Muruganantham
	Additional Government Pleader

O R D E R

(Order of the Court was made by **A.SELVAM, J.**)

This writ petition has been filed under Article 226 of the Constitution of India, praying to direct the respondents 2 and 3, to take appropriate action against the fourth respondent to recover the amount illegally collected from students by way of issuing a writ of mandamus.



2.It is averred in the petition that the petitioner is a student of E.R.Higher Secondary School, Trichirappalli. Further, it is averred in the petition that the fourth respondent viz., the Headmaster, E.R.Higher Secondary School has collected more amount from the students and the same has been brought to the knowledge of the authorities concerned. Further, it is stated in the petition that writ petition No.15674 of 2015 has been filed on the file of this Court and the same has been disposed of on the basis of the report submitted by the District Educational Officer. Under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

3.Mr.D.Muruganandham, learned Additional Government Pleader has taken notice for the respondents 1 to 3. Considering the nature of the relief, notice need not be sent to the fourth respondent.

4.The learned counsel appearing for the petitioner has contended that earlier W.P.No.15674 of 2015 has been filed on the file of this Court and the same has been disposed of simply on the basis of the representation given by the third respondent viz., District Educational Officer, Tiruchirappalli. But, the third respondent has not looked into necessary documents for the purpose of knowing the alleged allegation made against the fourth respondent and even now, the fourth respondent has been collecting excessive amount from the students and therefore, the present writ petition has been filed for getting the relief sought therein.

5.The learned Additional Government Pleader has represented to the effect that earlier, the petitioner has filed W.P.No.15674 of 2015 and the same has been disposed of on the basis of the report submitted by the third respondent, wherein, it has been clearly stated to the effect that no excess amount has been collected from the students and therefore, the present writ petition is not legally maintainable.

6.The main grievance expressed on the side of the petitioner is that the third respondent viz., the District Educational Officer has not looked into the relevant documents for the purpose of knowing the allegation levelled against the fourth respondent.

7.The learned counsel for the petitioner has contended to the effect that the third respondent has not looked into the bank account of the fourth respondent for the purpose of ascertaining the alleged illegal collection. Further, it is seen from the records that the petitioner has given a representation dated 29.05.2015 to the respondents 1 to 3 and the same has not been considered.



8. Considering the fact that a representation has been given by the petitioner, wherein, certain allegation has been levelled against the fourth respondent, this Court is inclined to pass the following order.

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9. In fine, this petition is allowed in part without cost. The third respondent, District Educational Officer, Tiruchirappalli is directed to look into the representation alleged to have been given by the petitioner on 20.05.2015 and after giving necessary opportunity to the petitioner and fourth respondent, dispose of the same, within a period of one month.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

Arul

To

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

2. The Chief Educational Officer,
Trichy - 620 008.

3. The District Educational Officer,
Trichy - 620 001.

+2CC to Mr.K.Govindarajan, Advocate Sr.No.3231, 3110
+1CC to Spl.Government Pleader Sr.No.3050

GJM/RR/23.1.17-3p-7c

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