



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 17.08.2017

CORAM:

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

W.P (MD) No.8086 of 2017
and
W.M.P. (MD) .No.6216 of 2017

K.Solayan .. Petitioner

Vs.

1.The State of Tamil Nadu,
Through its Secretary,
Education Department,
Fort St. George, Chennai.

2.The Director of Elementary Education,
Chennai-600 006.

3.The District Elementary Educational Officer,
Sivagangai, Sivagangai District.

4.The Assistant Elementary Educational Officer,
Saakottai Union, Karaikudi Taluk,
Sivagangai District.

5.K.R.Annamalai

6.T.Pushpanathan

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 4 to take over the management of Alagammai Atchi Memorial Aided Elementary School, Pallathur Village, Karaikudi Taluk, Sivagangai District in accordance with Section 34 of Tamil Nadu recognized Private Schools (Regulations) Act, 1973 in consideration of the petitioner's representation dated 14.05.2015 and 23.01.2017.

For petitioner: Mr.R.Maheswaran

For R1 to R4 : Mr.M.Govindan
Special Government Pleader

For R5 : Mrs.S.Srimathy for
Mr.S.M.S.Johny Basha

For R6 : Mr.V.Pannerselvam

**ORDER**

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

The petitioner filed this writ petition to direct the first respondent to take immediate action for taking over the Management of Alagammai Atchi Memorial Aided Elementary School, Pallathur Village, Karaikudi Taluk, Sivagangai District in accordance with Section 34 of Tamil Nadu Recognized Private Schools (Regulations) Act, 1973.

2.The counter affidavit filed in support of the writ petition does not contain any material for invoking the jurisdiction under Section 34 of the Tamil Nadu Recognized Private Schools (Regulations) Act 1973. The Managing Committee of the institution is not a party. The Corresponent is made as a party in his individual capacity. No order could be passed agaist the institution, unless Managing Committee as such is a party to the writ petition. We therefore, do not find any reason to issue a writ of mandamus as prayed for in the writ petition.

3.After dictating this order, the learned counsel for the petitioner made a request to withdraw the writ petition. Since the writ petition in question was filed as a public interest litigation, we are not inclined to grant permission to the petitioner to withdraw the writ petition.

4.We make it clear that none of the allegations and averments made in the affidavit filed in support of the writ petition are sufficient to invoke the jurisdiction under Section 34 of the Tamil Nadu Recognized Private Schools (Regulations) Act, 1973.

5.The writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1.The State of Tamil Nadu,
Through its Secretary,
Education Department,
Fort St. George, Chennai.

2.The Director of Elementary Education,
Chennai-600 006.

<https://hc.services.ecourtts.gov.in/hc/services/>
3.The District Elementary Educational Officer,
Sivagangai, Sivagangai District.



4.The Assistant Elementary Educational Officer,
Saakottai Union, Karaikudi Taluk,
Sivagangai District.

+1cc to M/S.V.PANNEER SELVAM, Advocate SR.No.73000
+1cc to M/S.S.M.S.JOHNNY BASHA, Advocate SR.No.72820
+1cc to M/S.G.PRABHU RAJADURAI, Advocate SR.No.72960
+1cc to Special Government Pleader, SR.No. 73240

NS

MAS/JC/SAR2:31.08.2017:3P-9C

ORDER MADE IN
W.P (MD) No.8086 of 2017
and
W.M.P. (MD) .No.6216 of 2017
17.08.2017