



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2017

CORAM:

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

W.P(MD)No.8589 of 2017

S.Albert

.. Petitioner

Vs.

1. The Chief Education Officer,
School Education Department,
Thoothukudi District.
2. The District Collector,
Thoothukudi District.
3. The District Educational Officer,
Thoothukudi District.
4. The Correspondence
Sri Ramakrishnan Chidambareswarar Higher
Secondary School, Udankudi,
Thoothukudi District.
5. The Head Master
Sri Ramakrishnan Chidambareswarar Higher
Secondary School, Udankudi,
Thoothukudi District.
6. The Joint Commissioner,
Hindu Religion Charitable Department,
Tirunelveli-2.
7. The Administrative Officer,
Arulmighu Chidambareswarar Thirukovil,
Chettiyapatthu,
Thoothukudi District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to take appropriate actions as against the 4th respondent School in the manner known to law within a specified period.



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For petitioner	: Mr.N.Balakrishnan
For R1 to R3 and R6	: Mr.M.Govindan Special Government Pleader.
For R4	: Mr.S.Anwar Sameem for Mr.T.Antony Arulraj
For R7	: Mr.Muthugeethayan

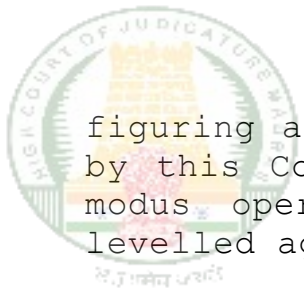
O R D E R

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

The writ petitioner is a resident of Manikavasagapuram, Sathankulam, Thoothukudi District. According to him, the 4th respondent School is situated on the land belonging to the 7th respondent Temple. It is coming under the control of HR & CE Department. He would complain that there are various statutory violations committed by the School management. He therefore submitted a representation to the HR & CE Department. Since no action was taken by the Education Department as well as the HR & CE Department, he has come forward with the present writ petition for directing the authorities to take action against the 4th respondent School in the manner known to law.

2.The District Educational Officer, Thoothukudi, has filed a detailed counter affidavit. It has been pointed out that there are no statutory violation committed by the School management. The third respondent had also challenged the *Locus standi* of the writ petitioner. It has been specifically contented that the writ petitioner has not demonstrated as to how public interest would suffer by the continued functioning of the said School. The third respondent prayed for dismissal of other writ petition.

3.The fourth respondent School management had also filed a detailed counter. It is seen from the counter affidavit that the School was started in the year 1987 and that it was upgraded as Higher Secondary School in the year 1989. It is securing very good results including 100% pass in the S.S.L.C. Examination and 99% pass in the Higher Secondary Examination. The 4th respondent would question the motive of the writ petitioner. According to the 4th respondent one Balakrishnan was working in the School and that he claimed the post of Head Master. But the School management appointed one Nallasivan. The School management would allege that the present writ petition has been instigated by the said Balakrishnan. In the typed set of papers they have also enclosed copy of the writ petition in W.P.(MD) No.8173 of 2017, challenging the building plan approval granted in favour of Mary Immaculate Matriculation School. The said writ petition was filed on 04.04.2017. Subsequently, on the same cause of action, a PIL has been filed and the present writ petitioner was



figuring as the 13th respondent. The said PIL was also dismissed by this Court. According to the School management, this is the modus operandi of the writ petitioner. All the allegations levelled against the School management have been denied.

4. This Court considered the entire material on record. It is clear that the writ petitioner is indulging in abuse or legal process. This Court has to take note of the conduct of the writ petitioner in filing W.P.(MD) No.8173 of 2017 against the Roman Catholic Diocese, which was later withdrawn. Now the target is Sri.Ramakrishna Chidambareswarar Higher Secondary School. There is absolutely no merit in this writ petition. Though, this writ petition deserves to be dismissed with cost, this Court refrains from doing so. It stands dismissed. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To:

1. The Chief Education Officer,
School Education Department,
Thoothukudi District.
2. The District Collector,
Thoothukudi District.
3. The District Educational Officer,
Thoothukudi District.
4. The Joint Commissioner,
Hindu Religion Charitable Department,
Tirunelveli-2.

+1cc to The Spl.Government Pleader Sr.No.72937
+1cc to Mr.N.Balakrishnan, Advocate Sr.No.72810
+1cc to Mr.T.Antony Arulraj, Advocate SR.No.72806
+1cc to Mr.M.Muthugeethayan, Advocate SR.No.72757

MM/SSS

VB/MR/KKR/SAR4/09/11/2017/3P/9C

ORDER MADE IN
W.P(MD) No.8589 of 2017
16.08.2017