

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

W.P.No.7799 of 2018

1. E.Pushpalatha
2. Pauline Mary

... Petitioners

vs.

1. Union of India,
By Government of Puducherry,
Rep. by its Secretary Education,
Secretariat Building,
Goubert Avenue,
Puducherry - 01.
2. The Director of Education,
Education Department,
Ellapillai Chavady,
Puducherry - 5.
3. The Chief Education Officer,
Education Department,
Ellapillai Chavady,
Puducherry - 5.
4. The Deputy Director (Elementary Education),
Directorate of School Education,
Education Department,
Ellapillai Chavady, Puducherry - 5.

5. A.Anagalaparameswari

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus, directing the Respondents 1 to 4, to take into consideration the Petitioner's representation dated 05.03.2018 and grant her a hearing before taking a decision on the request for renewal of recognition of Divine English Middle School, in accordance with law.

For Petitioners	:	Mr.J.Srinivasa Mohan
For Respondents 1 to 4	:	Mr.Syed Mustafa, Government Pleader (Pondy)
For 5th Respondent	:	Mr.B.Balavijayan

O R D E R

Petitioners have come up with the present Writ Petition seeking a direction to Respondents 1 to 4, to take into consideration their representation dated 05.03.2018 and grant them a hearing before taking a decision on the request for renewal of recognition of Divine English Middle School, in accordance with law.

2. According to the 1st Petitioner, viz. E.Pushpalatha, her father viz. B.Elumalai, who was the President of B.Janarthanan Memorial Education Society, died in a road accident on 16.04.2012 and thereafter, the Executive Committee of the Society met and appointed her mother, viz. E.Pauline Mary, the 2nd Petitioner herein, as the President. Other changes were also made and the Alteration of Memorandum was filed with the authorities on 04.09.2012. As per the Deed of the Society, the object is to run a School and accordingly, the School in the name of 'Divine English Middle School' was started in the year 2005 by the 1st Petitioner's father.

3. It is further stated by the 1st Petitioner that the 5th Respondent, who was the Principal-In-Charge and Secretary in the earlier Deed, formed a new Trust in the name of 'Jai Vijayee Educational Trust' in January 2013 and claimed herself as Founder and Managing Trustee of the new Trust and also her father's School at Arriyankuppam. This was objected to by the 1st Petitioner's mother through a Lawyer's notice dated 26.06.2013. Thereafter, the 5th Respondent filed O.S.No.1332 of 2012 for bare injunction, claiming herself to be the Secretary of the Society and to restrain the 2nd Petitioner/Pauline Mary, from disturbing the Society and School. The said Suit was dismissed for default on 02.02.2018.

4. The 1st Petitioner submitted a representation to the Lt. Governor in August 2017 and February 2018 and also submitted a representation to the 2nd Respondent/Director of Education on 05.03.2018 and 14.03.2018 pertaining to the renewal of recognition of Divine English Middle School. As there was no response from the authorities concerned, Petitioners are before this Court.

5. Today, learned Government Pleader (Pondy) appearing for Respondents 1 to 4, submitted that the request made by the 5th Respondent had already been rejected by an order dated 14.06.2018.

6. In view of the above, without prejudice to the rights of the parties, the Petitioners are directed to re-submit the documents to the official Respondents and thereafter the Respondents 1 to 4 are directed to consider the Petitioners'

representation dated 05.03.2018, after giving an opportunity of personal hearing to the parties and take a decision in accordance with law within a period of one month from the date of receipt of a copy of this order, if a decision had not already been taken. It is needless to mention that the 5th Respondent is at liberty to question the same, if so advised.

This Writ Petition is disposed of with the above direction.
No costs.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Secretary to Education,
Union of India, Government of Puducherry,
Secretariat Building, Goubert Avenue,
Puducherry - 01.
2. The Director of Education,
Education Department,
Ellapillai Chavady, Puducherry - 5.
3. The Chief Education Officer,
Education Department, Ellapillai Chavady,
Puducherry - 5.
4. The Deputy Director (Elementary Education),
Directorate of School Education,
Education Department,
Ellapillai Chavady, Puducherry - 5.

+1cc to Mr.J.SRINIVASA MOHAN, Advocate, S.R.No.50266
+1cc to Mr.B.BALAVIJAYAN, Advocate, S.R.No.50471
+1cc to the Government Pleader Cum Public Prosecutor,
S.R.No. 50531

Order in
W.P.No.7799 of 2018

KAN(CO)
TR(13/08/2018)