



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 26.3.2018

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THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.670 of 2018

Deivanai Kumar
President,
Parent Teachers Association,
No.91/107, Pillaiyar Koil Street,
Rangapuram, Banavaram Post,
Nimili Taluk, Vellore 632 505.

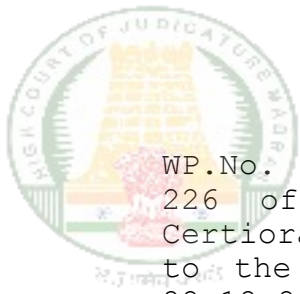
Appellant

Versus

1. The Secretary to Government,
Education Department,
Secretariat, Chennai 600 009.
2. The Director of Elementary Education,
Directorate of Elementary Education
D.P.I. Complex College Road
Chennai- 600 006.
- 3 The Chief Educational Officer
Vellore District Vellore.
- 4 The Additional Chief Educational Officer
Sarva Shiksha Abhiyan(SSA)
Vellore District Vellore.
- 5 The District Elementary Educational Officer
Vellore District Vellore- 632 004
- 6 The Assistant Elementary Educational Officer
Kaveripakkam Vellore District.
- 7 The Headmaster
Panchayat Union Elementary School
Rangapuram Banavaram Post
Vellore- 632 505.

Respondents

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 9.2.2017 passed in W.P.No.2073 of 2017 on the file of this court.



WP.No. 2073 of 2017 Prayer: Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified mandamus Calling calling for records pertaining to the order made in Letter No.27906/Nee.Va.2(2)2016 dated 22.12.2016 passed by the 1st Respondent and further directing the 1st Respondent to consider the proposal sent on 26.08.2016 by the 7th Respondent for upgradation of the Panchayat Union Elementary School situated at Arangapuram Vellore District as Middle School.

For appellant : Mr.Nagarathinam

For respondent : Mrs.V.Annalakshmi,
Government Advocate

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and Mrs.V.Annalakshmi, learned Government Advocate, who takes notice on behalf of the respondents.

2. The writ appeal has been filed by the writ petitioner-Parent Teachers Association, challenging the order passed by the learned Single Judge dismissing the writ petition which sought for upgradation of the Panchayat Union Elementary School situate at Arangapuram, Vellore District as Middle School.

3. The learned Single Judge while dismissing the writ petition not only on the ground of maintainability, but also on merits, has observed in paragraphs 7 and 8 of the order as under:-

"7. Even otherwise, in this case, the impugned order of the Principal Secretary to Government, School Education Department, Secretariat, Chennai, dated 22.12.2016 clearly states that there are two Government Schools namely, Government Boys' Higher Secondary School and Government Girls' Higher Secondary School, within a distance of two kilometers from the Panchayat Union Elementary School, Arangapuram, Vellore District. At present, there are classes I to V in the said school and the school consists of only 105 students and the strength of five teachers namely, four teachers and one Headmaster. According to the recommendation of the Committee, the ratio of students and teacher is 35:1 whereas the school contains more number of teachers than the prescribed ratio. Considering the strength of the school,



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upgradation of the school is not possible now and the same would be considered only at the later point of time. In the considered opinion of this Court, the impugned order dated 22.12.2016 passed by the authority concerned is reasonable and there is no infirmity in the order passed by the authority and it is a flawless one and hence, this Court warrants no interference.

8. In view of the foregoing reasons and also in the light of the aforesaid decision of this Court, the petitioner association has no locus standi to file the present writ petition. Accordingly, the Writ Petition is dismissed. No costs. "

4. It appears that the student-teacher ratio as per the recommendations of the Committee concerned is only 35:1 and the School concerned has already contains more number of teachers and there are already two Government Schools within a distance of two kilometres from the Panchayat Union Elementary School, Ärangapuram, Vellore District and hence, the claim of upgradation of the School concerned was decided to be considered in an appropriate time. The learned Single Judge has rightly considered the above aspects while dismissing the writ petition. Moreover, the issue relates to policy decision and involving financial implications and various other factors. Therefore, the learned Single Judge has rightly approved the action of the Government.

5. We do not find any reason to interfere with the order passed by the learned Single Judge. However, we feel that the writ petition being of the year 2017, a fresh representation may be submitted to the authorities furnishing with subsequent development, like strength of students, if any and in such event, the same shall be considered by the authorities, in accordance with law at an early date. The writ appeal is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True copy//

Sub Assistant Registrar

ssk.



To:

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W.A.No.670 of 2018

LRS (CO)
GN(07/05/2018)