

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.2392/2018 and WMP.No.2908/2018

V.Manimaran

... Petitioner

Vs

1. The State of Tamil Nadu
rep. by Secretary to Government,
Department of Education,
Fort St. George, Chennai-9.
2. The District Collector of Chennai,
Office of the Collectorate,
Chennai-1.
3. The Director of School Education,
College Road, Chennai-6.
4. Chief Educational Officer,
Saidapet, Chennai-15.
5. The Secretary,
T.V.K. Higher Secondary School,
Shenoy Nagar, Chennai-30.
6. The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai.

... Respondents

(R6 suo motu impleaded as per order dated 5.2.2018)

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st and 2nd respondents to take appropriate legal action against the 5th respondent/T.V.K. Higher Secondary School, Shenoy Nagar, Chennai-30.

For Petitioner :: Mr.Perumbulavil Radhakrishnan

For Respondents:: Mr.C.Munusamy,
Spl.G.P. for R1 to 4
Mr.P.Wilson,
Senior Counsel

for M/s.G.Sankaran for R5
Mr.V.C.Selvakumar for R6
standing Counsel

ORDER

(Order of the Court was made by HULUVADI G.RAMESH, J.)

The present Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 1st and 2nd respondents to take appropriate legal action against the 5th respondent/T.V.K. Higher Secondary School, Shenoy Nagar, Chennai-30.

2. Heard the learned Counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondents 1 to 4, the learned Senior Counsel for the 5th respondent and the learned Standing Counsel for the 6th respondent Corporation. We have also perused the affidavit filed in support of the writ petition and other connected papers.

3. On the face of the records, we are of the view that the writ petition has to be dismissed as not maintainable. Firstly, on a reading of the affidavit reveals that it is not a public interest litigation because the petitioner has stated that he came to know about the order passed in W.P.No.14980/2017 on 05.01.2018 from the retired Headmaster one Mr.A.Paranthaman and obtained a copy of the information of the 4th respondent's Proceedings No.1672/A2/2017 dated 08.03.2017 under the Right to Information Act, 2005 from him. Therefore, it is clear that for the personal gain of some third party, the present Writ Petition has been filed. Secondly, it appears that on the same issue, it is a second round of litigation. Though as stated by the petitioner, the 5th respondent school has no Government recognition for 11th and 12th standards, which are public examinations, it is for the Education Department to take action against the said school. Therefore, no mandamus as prayed for by the writ petitioner be issued.

4. In the result, the Writ Petition fails and the same is accordingly dismissed. It is made clear that in future, if any such writ petition is filed by the petitioner on the same issue, that would be viewed seriously. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

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To

1. The Secretary to Government,
State of Tamil Nadu,
Department of Education,
Fort St. George, Chennai-9.
2. The District Collector of Chennai,
Office of the Collectorate,
Chennai-1.
3. The Director of School Education,
College Road, Chennai-6.
4. Chief Educational Officer,
Saidapet, Chennai-15.
5. The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai.

+1 cc to Mr.Perumbulavil Radhakrishnan, Advocate sr 60808.

+1 CC to Govt. Pleader sr 61241.

+1 CC to Mr.G. Sankaran, Advocate sr 61558.

W.P.No.2392/2018

SV(CO)
SRG(27/09/2018)

सत्यमेव जयते

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