

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 06.09.2018

CORAM
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Writ Petition No.15422 of 2018 and
WMP.No.18298 of 2018

M.Thirumalai Selvam (Minor)
Represented by mother & natural guardian
M.Kannagi.

..Petitioner

-vs-

1.Union of India,
Rep. by the Commissioner,
Kendriya Vidyalaya Sangathan,
New Delhi - 110 016.

2.The Regional Deputy Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office IIT Campus,
Chennai - 600 036.

3.The Principal,
Kendriya Vidyalaya School,
Kanathampoondi,
Tiruvannamalai - 606 603.

4.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

..Respondents

Prayer:- This Writ Petition has been filed under Article 226 of the Constitution of India, for a writ of Mandamus directing the respondents 1 and 2 to initiate appropriate action against the third respondent and the teachers of +1 course of the petitioner for which the petitioner's mother has made a representation dated 06.04.2018 to the respondents 1 and 2.

For Petitioner	::	Mr.R.Malaichamy
For 1st respondent	::	No Appearance
For Respondents 2 & 3	::	Mr.M.Vaithyanathan
For 4th respondent	::	Mrs.V.Annalakshmi, Government Advocate

ORDER

This writ petition is filed for issuing a writ of mandamus directing the respondents 1 and 2 to initiate appropriate action against the third respondent and the teachers of +1

course, on the basis of the representation of the petitioner dated 06.04.2018.

2. Though the petitioner has sought for a positive direction to the respondents 1 and 2 for initiating some action against the third respondent and the Teachers of +1 course, the learned counsel for the petitioner states that the petitioner will be satisfied if a direction is issued to the second respondent to consider the representation of the petitioner dated 06.04.2018 in accordance with law within a time to be stipulated by this Court.

3. The third respondent has filed a detailed counter and refuted the allegations made by the petitioner in the affidavit filed in support of the writ petition. The third respondent has taken a specific stand that the petitioner was even at the time of admission to +1 course, advised not to take science group as he may not be comfortable in taking science group. But, it was due to the compulsion of the parents of the petitioner, the third respondent was forced to admit the petitioner in the science group. However, the learned counsel for the respondents 2 and 3 has no grievance if the second respondent is directed to consider the representation of the petitioner dated 06.04.2018, after giving opportunity to the third respondent.

4. Having regard to the limited scope of the prayer now sought for by the learned counsel for the petitioner and the submissions of the learned counsel for the respondents 2 and 3, without expressing any opinion on the merits of the case and the contentions of respective parties, this Court is inclined to pass the following direction :-

"The second respondent is directed to consider the petitioner's representation dated 06.04.2018 and pass appropriate orders on merits and in accordance with law after affording sufficient opportunity to both the petitioner as well as the third respondent, within a period of three months from the date of receipt of a copy of this order."

5. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

jbm

To

The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

+1cc to Mr.R.Malaichamy, Advocate, S.R.No.61904
+1cc to Mr.M.Vaithiyanathan, Advocate, S.R.No.62521
+1cc to the Government Pleader, S.R.No.62147

W.P.No.15422 of 2018

PVS (CO)

rrs 10/10/2018



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