

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.03.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P. No.14559 of 2013
and M.P.No.1 of 2013

Arul Jothi School,
Rep. by its Manager,
Thanthai Periyar Street,
Kakayamthope, Ariyankuppam,
Puducherry - 605 007. .. Petitioner

Vs.

The Director of School Education,
Directorate of School Education,
Govt. of Puducherry,
Puducherry - 605 001. .. Respondent

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order bearing No.02013/DSE/EE/P-10/2013 dt.08.05.2013 on the file of the respondent and quash the same and consequently direct the respondent to dispose of the Application dt.18.02.2013 filed by the petitioner in accordance with Rule-12[2], [3], [4] & [5] of the Puducherry Right of Children to Free and Compulsory Education Rules, 2011 after issuing Notice and giving opportunity of personal hearing to the petitioner to state his case and produce documents in support of the same.

For Petitioner : M/s.T.M.Naveen
for K.P.Jotheeswaran

For Respondent : Mr.C.T.Ramesh
Additional Government Pleader

O R D E R

This Writ Petition has been filed challenging the order of the respondent dated 08.05.2013 and consequently, directing the respondent to dispose of the petitioner's application dated 18.02.2013 in accordance with Rule-12[2], [3], [4] & [5] of the Puducherry Right of Children to Free and Compulsory Education Rules, 2011 and grant recognition to them.

2. Though the petitioner raised very many averments, assailing the order impugned in this Writ Petition, the learned counsel appearing for the petitioner, during the course of arguments, ultimately submitted that it would suffice, if a direction is given to the respondent to consider the application of the petitioner and pass orders, after enquiry.

3. Heard the learned Additional Government Pleader appearing for the respondent on the above submission.

4. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondent to consider the application of the petitioner dated 18.02.2013 and pass appropriate orders, on merits and in accordance with Rule-12[2], [3], [4] & [5] of the Puducherry Right of Children to Free and Compulsory Education Rules, 2011, after thorough enquiry and affording an opportunity of personal hearing to all the parties. Such exercise shall be completed within a period of six [6] weeks from the date of receipt of a copy of this order. It is needless to state that the respondent shall take a decision on the petitioner's application independently, without being influenced by the reasons stated in the order impugned herein.

5. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

sri
To

The Director of School Education,
Directorate of School Education,
Govt. of Puducherry,
Puducherry - 605 001.

+1cc to Government Pleader in sr.no.16927

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ks(co)
nr 03/04/2018