



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESHW.P. (MD) No.7734 of 2018

Subbaiah Vidhyalayam Girls
Higher Secondary School,
Perumalpuram Road,
Tuticorin-628 003,
Represented by its School Managing
Committee President,

D.Ganesan

... Petitioner

Vs.

1.The Joint Director of School Education,
College Road, Chennai-600 006.

2.The Director of Elementary Education,
College Road, Chennai-600 006.

3.The Chief Educational Officer,
Tuticorin.

4.The District Educational Officer,
Tuticorin.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the third respondent to consider the representation of the petitioner dated 20.09.2016, 17.08.2017, 07.12.2017 and lastly on 26.02.2018 and grant permission to the petitioner to start English Medium Classes viz. 1st Standard to 5th Standard in the light of the order passed in W.P.No.31718 of 2012 dated 16.08.2013 and as per the Rule 4 of the Tamil Nadu Recognized Private Schools (Regulation) Rules 1974.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.J.Gunaseelan Muthiah,
Additional Government Pleader.

ORDER

This Writ Petition has been filed, seeking for a direction to the third respondent to consider the representations of the



petitioner dated 20.09.2016, 17.08.2017, 07.12.2017 and lastly on 26.02.2018 and grant permission to the petitioner to start English Medium Classes viz. 1st Standard to 5th Standard, in the light of the order passed in W.P.No.31718 of 2012 dated 16.08.2013 and as per the Rule 4 of the Tamil Nadu Recognized Private Schools (Regulation) Rules 1974.

2. According to the petitioner, his representations dated 20.09.2016, 17.08.2017, 07.12.2017 and lastly on 26.02.2018, seeking permission to start English Medium Classes viz. 1st Standard to 5th Standard have not been considered by the third respondent till date and therefore, has filed the present writ petition.

3. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or other. Non consideration of the same would amount to dereliction of their ordinary duties of their office and as such this Court would be justified in invoking its powers under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

4. In view of the limited prayer sought for in this writ petition, there shall be a direction to the third respondent to consider the petitioner's representation dated 26.02.2018, in the light of the order passed in W.P.No.31718 of 2012, dated 16.08.2013 on its own merits and take further action in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Joint Director of School Education,
College Road, Chennai-600 006.
2. The Director of Elementary Education,
College Road, Chennai-600 006.
3. The Chief Educational Officer,



4. The District Educational Officer,
Tuticorin.

+1CC to Mr.S.Doraisamy, Advocate in SR.No.62786,
+1CC to Special Government Pleader in SR.No.62714.

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DS/RSK/SAR-4 :09.05.2018: 3P/7C

W.P. (MD) No.7734 of 2018
20.04.2018