



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.14287 of 2018

Nadar Middle School,
Represented by its Secretary,
Kovilpatti,
Tuticorin District.

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary,
School Education Department,
Chennai.

2. The Director of Elementary Education,
Chennai.

3. The District Elementary Educational Officer,
Tuticorin.

4. The Assistant Elementary Educational Officer,
Kovilpatti, Tuticorin District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorified Mandamus, to call for the records pertaining to the order passed by the 4th respondent in his proceedings in A.Thi.Mu.NO.974/A1/2016, dated 02.09.2016 and quash the same and direct the respondents to grant permission to start the English Medium Section in the petitioner school with aid.

For Petitioner : Mr.V.Panneer Selvam

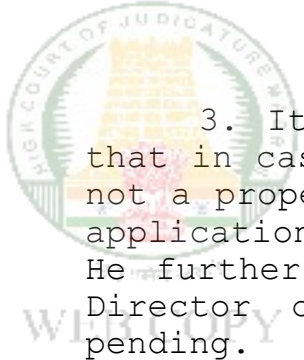
For Respondent : Mr.J.Gunaseelanmuthaiah

Additional Government Pleader

ORDER

The petitioner's request to commence English Medium Sections in the School with aid has been rejected by the fourth respondent herein through a letter dated 02.09.2016, calling upon the petitioner to enclose a copy of the Government Order empowering them to grant approval for starting English Medium Section to the School with aid. As against the said order dated 02.09.2016, the present writ petition has been filed.

2. Heard Mr.V.Panneer Selvam, learned counsel appearing for the petitioner and Mr.J.Gunaseelanmuthaiah, learned Additional Government Pleader appearing for the respondents.



3. It is submitted by the learned counsel for the petitioner that in case the fourth respondent was of the opinion that if he is not a proper authority, he ought to have forwarded the petitioner's application to his higher authority, instead of rejecting the same. He further submitted that he has also made an application to the Director of Elementary Education on 22.08.2016 which is still pending.

4. The learned Additional Government Pleader submitted that the proper authority to consider such request of the petitioner to start English Medium Sections in the aided school is the Director of Elementary Education.

5. In the light of the submissions made, the petitioner is granted liberty to make a fresh application to the Director of Elementary Education, Chennai, seeking for starting English Medium Sections in their Aided School and on receipt of such an application, the Director of Elementary Education, Chennai, shall consider the same on its own merits and pass appropriate orders in accordance with law, within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar (CS-II)

To:

1. The Secretary, State of Tamil Nadu,
School Education Department, Chennai.
2. The Director of Elementary Education, Chennai.
3. The District Elementary Educational Officer, Tuticorin.
4. The Assistant Elementary Educational Officer,
Kovilpatti, Tuticorin District.

+1CC to Mr.V.Panneer Selvam, Advocate, SR.No. 74240
+1CC to the Special Government Pleader SR.No. 74106

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SJI