



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
AND
THE HONOURABLE MRS. JUSTICE R. HEMALATHA

W.P (MD) No. 22196 of 2017
and
W.M.P. (MD) No. 18502 of 2017

A. Kannan

: Petitioner

Vs.

1. The Secretary to the Tamil Nadu Government,
School Education Department,
Secretariat, St. George Fort,
Chennai - 9.
2. The District Collector,
Madurai District, Madurai.
3. The Chief Educational Officer,
Madurai Educational District,
Madurai - 2.
4. The District Educational Officer,
Usilampatty Educational District,
Usilampatty, Madurai District.
5. P.K.N. Boys Higher Secondary School,
Rep. by its Head Master,
Thirumangalam, Madurai District.

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 4 to suspend the Management of the fifth respondent School and to appoint a Special Officer to manage the School belonging to fifth respondent.

For Petitioner : Mr. A. Jayaramachandran

For Respondents 1 to 4 : Mr. C. M. Mari Chelliah Prabhu
Additional Government Pleader

For Respondent No. 5 : Mr. D. Pandia Rajan



allegations are wholly devoid of truth and merit and prays for dismissal of the writ petition with exemplary costs.

5. This Court has considered the rival submissions and also perused the materials placed before it.

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6. Admittedly, the two sons of the petitioner are studying in the fifth respondent school and therefore, the writ petition, strictly cannot be termed as a Public Interest Litigation. In the light of the allegations levelled by the petitioner, this Court directed the official respondents to file counter affidavit and the counter affidavit of the third respondent would also disclose that the complaints in this regard have been enquired into and the allegations are found to be untrue. The fifth respondent school has also filed the counter affidavit and took a stand that the present writ petition is only at the instance of one A. Ramesh, who on an earlier occasion, filed W.P.(MD)No.9064 of 2011, and it has also been pointed out that a police complaint was also lodged and it was enquired into and closed.

7. In the light of the stand taken by the fourth respondent, this Court is of the considered view that no infirmities have been noted with regard to the affairs of the fifth respondent school. However, it is made clear that the jurisdictional Educational Officer shall cause periodical and surprise inspection as to the functioning of the fifth respondent school and if they note down any infraction as to the non-compliance of the provisions of the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973, as well as the Right to Education Act and other norms, they are at liberty to initiate appropriate action in accordance with law after putting the school management on notice.

8. In the result, the Writ Petition stands dismissed, with the above observation. However, in the circumstances of the case, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl side)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to the Tamil Nadu Government,
School Education Department,
Secured by <https://hcservices.securetonin/securetonin/> St. George Fort,
Chennai - 9.



2. The District Collector,
Madurai District, Madurai.

3. The Chief Educational Officer,
Madurai Educational District,
Madurai - 2.

4. The District Educational Officer,
Usilampatty Educational District,
Usilampatty, Madurai District.

+ 1 cc TO The Special Government Pleader in SR No. 56533

MR

AE/SKN RSK/SAR1/04.04.2018/4P/6C

W.P(MD)No.22196 of 2017

19.03.2018