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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA
AND
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P(MD)No.20600 of 2018
and
W.M.P(MD)Nos.18352 & 18353 of 2018

S.Louis ... Petitioner

vs.

1. The State of Tamil Nadu,
   Represented by the Secretary,
   School Education Department
   Secretariat, Fort St. George,
   Chennai.

2. The Director of School Education,
   College Road,
   Nungambakkam,
   Chennai.

3. The Chief Educational Officer,
   O/o. The Chief Educational Officer,
   Nagercoil,
   Kanyakumari District.

4. The District Collector,
   Collectorate,Nagercoil,
   Kanyakumari District. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.No.8063/E4/2018 dated 20.09.2018 on the file of the respondent No.3 and quash the same as illegal and consequently to restrain the respondents in the future from declaring holiday to the schools and from postponing the events like the examinations of the education department for the sake of conducting political party events.

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For Petitioner : Mr.T.Lajapathi Roy
For Respondents: Mr.S.Srimathy
Special Government Pleader

O R D E R

(Order of the Court was made by T.RAJA, J.)

This Writ Petition is directed against the impugned order dated 20.09.2018 issued by the Chief Educational Officer, third respondent herein declaring 22.09.2018 as a holiday on account of MGR Centenary Celebrations.

2. Learned counsel for the petitioner would submit that when the Right to Education has become a fundamental right, either the State or any authority cannot disturb the Schools or College schedules citing any reason, as shown in the impugned order that MGR Centenary celebrations are going to be celebrated in the Kanyakumari District on 22.09.2018, on which date, the quarterly examinations scheduled to be held would be cancelled and reheld only on subsequent date, namely, 03.10.2018. This would not only cause prejudice to the students, Teachers and Educational Institutions, but also cause huge inconvenience to the general public. Therefore, the impugned order issued by the third respondent is required to be interfered with.

3. But, we are unable to find any merit. The reason being that the order passed by the third respondent is consequent to the decision taken by the State Government and that the decision/order of the State Government has not been placed before us. Therefore, no purpose is going to be served by challenging the consequential order, leaving the original order unchallenged. Therefore, the writ petition fails and the same is dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS-III)

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To

1. The Secretary,
   State of Tamil Nadu,
   School Education Department
   Secretariat, Fort St. George,
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2. The Director of School Education,
   College Road,
   Nungambakkam,
   Chennai.

3. The Chief Educational Officer,
   O/o. The Chief Educational Officer,
   Nagercoil,
   Kanyakumari District.

4. The District Collector,
   Collectorate,
   Nagercoil,
   Kanyakumari District.

+ 1 CC TO Ms. S.LOUIS , ADVOCATE IN SR NO.87788
+ 1 CC TO SPECIAL GOVERNMENT PLEADER, IN SR NO.87936

RR
BU/SKN/SAR-III :12.10.2018 : 3P/7C

W.P(MD)No.20600 of 2018
and
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