

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.4540 of 2016

and

W.M.P.Nos.3881 & 20961 of 2016

Umamaheswara Higher Secondary School,
Rep. by the Secretary/
Correspondent s.Ramanathan,
Umamaheswara Higher Secondary School,
Karanthai,
Thanjavur.

... Petitioner

Versus

1.The State of Tamilnadu Rep. by
The Secretary to Government,
Education Department,
Secretariat,
Chennai - 9.

2.The Director of School Education,
College Road,
Chennai - 6.

3.The Chief Educational Officer,
Thanjavur District,
Thanjavur - 1.

4.The District Educational Officer,
Thanjavur District,
Thanjavur - 1.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus to call for the records on the file of the 3rd respondent in connection with the order passed in Na.Ka.No.6400/A1/Aa5/2014, dated Nil October, 2014, in Na.Ka.No.5000/Aa5/2015 dated Nil November, 2015 and Na.Ka.No.5000/A5/2015, dated 30.12.2015 and quash the same and

direct the respondents 1 and 2 to fix the strength of the petitioner school by following the order of this Hon'ble Court in W.P.No.4663/05 dated 16.02.2008, W.P.(MD) No.8896/08 dated 22.12.2008 and W.A.(MD) No.150/12 dated 20.07.2012

Mr.R.Singaravelan SC
For Petitioner : Ms.M.Srividhya

For R1 : Mr.N.Inbanathan,
Additional Government Pleader

For RR2 to 4 : Ms.P.Kavitha,
Government Advocate (Education)

O R D E R

The petitioner-School has filed this writ petition challenging the order of the third respondent dated 30.12.2015 in Proceedings in Na.Ka.No.5000/A5/2015 and to direct the respondents 1 and 2 to fix the strength of the petitioner-school by following earlier orders passed by this Court.

2. When the matter was taken up today, after hearing both the parties for some time, the learned Senior Counsel appearing for the petitioner submitted that he has already filed an appeal before the second respondent/Director of School Education dated 05.07.2017 and it would be sufficient, if a direction is given to the second respondent to consider the said appeal and pass orders. The said appeal is also relating to the reduction of vacancies.

3. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the second respondent to consider the appeal filed by the petitioner dated 05.07.2017 along with enclosures and earlier orders of this Court and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and the persons interested in this regard and also affording them an opportunity of personal hearing on or before 31st March, 2019.

4. With the above directions, the Writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

rsi

To

- 1.The Secretary to Government,
Education Department,
Secretariat,
Chennai - 9.
- 2.The Director of School Education,
College Road,
Chennai - 6.
- 3.The Chief Educational Officer,
Thanjavur District,
Thanjavur - 1.
- 4.The District Educational Officer,
Thanjavur District,
Thanjavur - 1.

+1cc to M/s.M.Srividhya, Advocate SR.No.17920

+1cc to Government Pleader SR.No.17631

W.P.No.4540 of 2016
and

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LN(CO)
GMY(29/03/2019)

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