



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 24.10.2019	Pronounced on: 31.10.2019
-------------------------	---------------------------

Coram::

The Honourable Dr.Justice G.Jayachandran

Writ Petition No.26951 of 2019
& W.M.P.Nos.26333 & 26336 of 2019

1. A.Elumalai,
F/o.E.Anusuya of Std IX,
S/o.S.Arumugam,
No.27/1494, Anna Nagar,
Vazhudareddy, Villupuram - 605 402.
 2. P.Armstrong Isaac,
F/o.A.Roopa of Std VIII,
115A, Venus Nagar,
Near Narayanangar,
Villupuram - 605 602.
- Petitioners

/versus/

1. The General Manager,
Southern Railway,
O/o. The General Manager,
Southern Railway,
Chennai - 600 003.
 2. Correspondent,
Railway Mixed High School,
Villupuram being the Divisional,
Personal Officer, Trichy Divisional Office,
Southern Railway,
O/o.The Southern Railway,
Trichy Division.
 3. The Headmaster,
Railway Mixed High School,
Villupuram, North Colony,
Villupuram Junction,
Villupuram - 605 602.
- Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, directing the respondents to forbear from taking any action to close down the 3rd respondent Railway Mixed High School at Villupuram and consequently permit the students such as the petitioner's children viz. E.Anusuya of Std. IX and A.Roopa of Standard VIII to complete their curriculum upto the X standard viz. S.S.L.C Examinations.

For Petitioner : Mr.P.M.Subramanian

For R1 to R3 : Mr.P.T.Ramkumar, Standing Counsel

O R D E R

Heard the Learned Counsel for the Petitioners and the Learned Standing Counsel for the Respondents 1 to 3.

2. The petitioners are parents of two students studying in IX and VIII standard respectively in the Railway Mixed High School, Villupuram. Alleging that the Railway Management has decided to close the century old school, they have filed this writ petition seeking Mandamus to forbear the respondents from taking any decision to close the School.

3. In the counter, the Railway Management has confirms their intention to close the school in future. According to the respondents 1 to 3, running and managing Education Institute is not akin to the object of Railways. Earlier, when there was no sufficient schools to help the wards of Railway employees, Railway Schools were established. Due to want of patronage and low returns, running the Mixed Railway School at Villupuram has become economically non-viable now. It is the policy decision of the Management to close the School. The petitioners have no vested right to force the respondents to run the school.

Facts:

4. During the British era, as the Railway service expanded, they thought fit to establish Schools for the wards of Railway employees. As far as Southern India, the Southern Indian Railways (SIR) as it was called, started Schools at towns were their important junctions located. Thus, schools at Arakkonam, Madurai, Palakkad, Erode, Jolarpet, Perambur, Podanur and Trichy came up. These Schools are catering the education need to the children of Railway employees apart from the children of general public. For the past several decades, these schools are functioning. Recently in May-2019, the Management has closed down the Mixed High school at Jolarpet. Now, it has decided to close the Mixed High School at Villupuram. Towards that end, they have stopped admitting students and presently 42 students are studying between 7th Standard to 10th Standard, out of which only 15 are wards of Railway employees. The teaching staff strength is 7 (including Head Master).

5. According to the respondents, out of 15 students who are wards of Railways employees, next year 4 of them will be leaving the school on completion of 10th standard. For about 11 students, the Railway has to spend about one crore rupees per year towards administration of the School. There are three more schools within 500 meters radius of the Railway School and they have agreed to admit the students of the Railway School. Further, after VII Pay Commission, Railway employees are paid allowance of Rs.2,250/- per month per child for Education expenses. So, employees are opting for Schools run by other agencies which is cause for reduction of patronage.

Submissions:

6. The Learned Counsel for the Petitioners strenuously argued that, the School which is located in a sprawling campus of 10 acres have all facilities with good auditorium. The teaching staff are well experienced. In the year 2018-19, the school topper in X public examination has secured 474 marks out of 500. Therefore, now surprise the neighbouring School agree to take up the well groomed students. Atleast the management should wait till the end of the academic year 2022-2023, till the last batch of students (11 at present), who are now pursuing their 7th standard complete their 10th standard.

7. In response to this submission the learned Standing Counsel representing the Railways submits that, running school is not the object of the Railways. Running school is not economically viable for Railway administration. It will result in further revenue loss to the public Institution. Every effort is taken to convert the Railway Schools into kendriya vidyalayas where satisfactory numbers of wards of Railway employees are studying at present. When there is no satisfactory numbers, the Management has decided to close the school. This Writ Petition is filed to prevent transfer of teaching staff to other Railway school and not in the interest of the students.

Decision:

8. The Railway Schools calendar for the year 2019-2020 issued by the Southern Railways say, their philosophy is "Sacrifice Everything for Education but Do not sacrifice Education for Any Thing." Contrary to the declared philosophy now the Southern Railways want to close the School at Villupuram for the reasons which are not legally tenable.

9. In a welfare state, an organ of the Government cannot deprive the Right to Education by closing down the

Education Institute on the ground of economic non-feasibility. More particularly, when private schools are thriving and prosperous, there can be no one good reason for the alleged loss of patronage except a systematic design to close the School by cut down the admission. The Management instead of deciding to close the school, ought to have thought of converting the School from State Board to CBSE system or as Matriculation School, which is more attractive among the parents.

"He who opens a school door closes a prison" said Victor Hugo.

10. Here is a case the Railway Management wants to close the doors of the School which was established century ago on the ground that it is their policy decision and administrative policy cannot be interfered. Even if the respondents want to behave like profit oriented Corporate, the respondents are totally oblivious of the Corporate Social Responsibility cast on them and the legitimate expectation of the students who are already on rolls.

11. For the aforesaid reasons, the relief sought in the Writ Petition is to be allowed. The respondents shall not close the school till the petitioners and alike complete their studies upto 10th standard in the Mixed Railway High school, Villupuram. The 3rd respondent/Railway Mixed High School, shall not deny admission to any students eligible for admission from the ensuing academic year. Meanwhile, it is open to the Railway employees and the alumina of the School to revive the School with the help of the Railway administration by upgrading it or converting it into Matriculation or CBSE or kendriya vidyalaya as they deem fit.

12. Accordingly, the Writ Petition is Allowed. No order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

bsm
To,

1. The General Manager,
Southern Railway,
O/o. The General Manager,
Southern Railway, Chennai - 600 003.

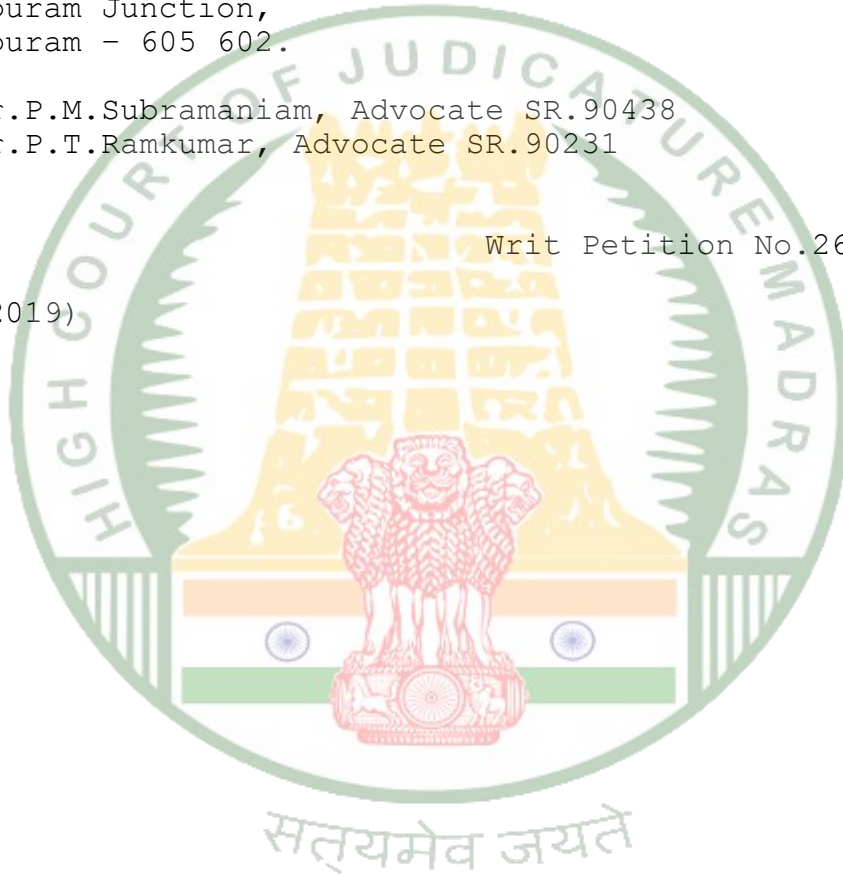
2. Correspondent,
Railway Mixed High School,
Villupuram being the Divisional,
Personal Officer, Trichy Divisional Office,
Southern Railway,
O/o.The Southern Railway,
Trichy Division.

3. The Headmaster,
Railway Mixed High School,
Villupuram, North Colony,
Villupuram Junction,
Villupuram - 605 602.

+1cc to Mr.P.M.Subramaniam, Advocate SR.90438
+1cc to Mr.P.T.Ramkumar, Advocate SR.90231

Writ Petition No.26951 of 2019

RR(CO)
CB(02/12/2019)



WEB COPY