

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.28139/2019

M.Ranganathan

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Petitioner

Versus

- 1.Union of India
represented by the Secretary
Ministry of Law and Justice
Department of Legal Affairs
Sastri Bhavan, New Delhi.
- 2.Ministry of Education
represented by the Chief Secretary
New Delhi.
- 3.The State of Tamil Nadu
represented by Chief Secretary
Fort St George, Secretariat
Chennai 600 009.
- 4.The Secretary
Government of Tamil Nadu
Education Department,
Fort St George, Chennai 600 009.

..

Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st respondent to consider the representation dated 09.09.2019 sent by the petitioner and direct the respondents to appropriate action to celebrate Gandhi Jayanthi on 2nd October in every year by way of propagating Gandhiji's ideologies within a stipulated time as may be fixed by this Court.

For Petitioner :	Mr.M.Saravanan for Mr.C.Veerarahavan
For R1 :	Mr.G.Karthikeyan Assistant Solicitor General
For R4 :	Mr.C.Munusamy, Spl.GP [Edn]

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

- (1) By consent, the writ petition, styled as a Public Interest Litigation, is taken up for final disposal. Mr.G.Karthikeyan, learned Assistant Solicitor General accepts notice on behalf of the 1st respondent and Mr.C.Munusamy, learned special Government Pleader [Education] accepts notice on behalf of the 4th respondent. Notices to respondents 2 and 3 are not necessary in the facts and circumstances of the case.
- (2) The petitioner claims to be a Public Interest Litigant and also the Founder and Managing Trustee of Mahatma Gandhi Ashram, Anaimalai, Coimbatore District, Tamil Nadu and came forward to file this writ petition styled as a Public Interest Litigation, stating among other things that on the birthday of the one of the greatest Leaders, viz., Mohandoss Karamchand Gandhi, the public holiday is declared and the sacrifice made by the great leader have not been brought to their knowledge and in order to create awareness in the mind of people, functions are to be conducted and it is also his endeavour that all institutions like Schools, Colleges, Government Offices and Corporate Institutions in the Country should also celebrate Gandhi Jayanthi on 2nd of October every year. The petitioner, in this regard, has also submitted two representations dated 07.09.2019 and 09.09.2019 respectively, to the Hon'ble President of India as well as to the Hon'ble Prime Minister with copies marked to the concerned official respondents and despite receipt and acknowledgment, no response is forth coming and hence, came forward to file the present writ petition.
- (3) Mr.C.Munusamy, learned Special Government Pleader [Education] appearing for the 4th respondent has invited the attention of this Court to the proceedings of the State Level Directorate of Integrated School Education, State Level Projects dated 09.09.2019 in Na.Ka.No.680/ml/xgf//2019 and would submit that elaborate instructions have already been issued to the Schools as to the performance/conducting of the functions relating to Gandhi Jayanthi and hence, prays for appropriate orders.
- (4) This Court has considered the rival submissions and also perused the materials placed before it.
- (5) This Court is not exercising any advisory jurisdiction and therefore, it cannot issue any positive direction as to how the Corporate Sector should also celebrate Gandhi Jayanthi functions. The above cited proceedings of the State Level Directorate of Integrated School Education, State Level Projects dated 09.09.2019 would disclose that elaborate guidelines / directions have been issued to the Schools, coming under the said Directorate and it would also disclose that functions relating to celebrations of Gandhi Jayanthi would start at 23.09.2019 and ends on 02.10.2019 - on the birthday of

the great soul. Since elaborate guidelines have already been issued by the said Directorate as to the conducting of the functions in the schools attached to the said Directorate and also the fact that in the absence of any infraction / non-compliance of the statutory duty, this Court cannot issue any positive direction as to the prayer sought for by the petitioner.

- (6) This Court is not in a position to come to the aid of the petitioner. However, taking into consideration of the fact the above cited proceedings of the State Level Directorate of Integrated School Education, State Level Projects dated 09.09.2019, the Directorate of School and Collegiate Education, may also make an endeavour to celebrate Gandhi Jayanthi, so as to spread awareness of the sacrifice made by the great soul.
- (7) The writ petition stands disposed of with the above observations. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Secretary, Union of India
Ministry of Law and Justice
Department of Legal Affairs
Sastri Bhavan, New Delhi.
2. The Chief Secretary,
Ministry of Education,
New Delhi.
3. The Chief Secretary
State of Tamil Nadu
Fort St George, Secretariat,
Chennai 600 009.
4. The Secretary
Government of Tamil Nadu
Education Department,
Fort St George,
Chennai 600 009.

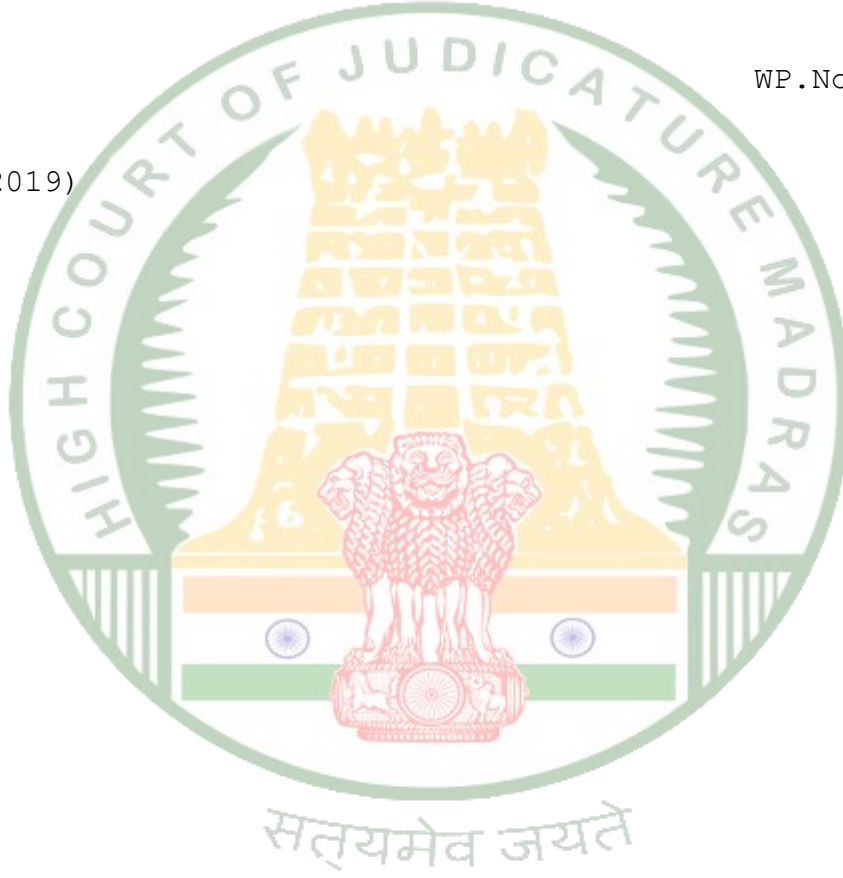
COPY To:-

The Directorate of School and Collegiate Education,
9th Floor, EVK Sampath Buildings,
College Road, Chennai-600 006.

+1cc to Mr.C.Veeraraghavan, Advocate, S.R.No. 82039
+1cc to Mr.G.Karthikeyan, Advocate, S.R.No. 81964
+1cc to the Government Pleader, S.R.No. 82285

WP.No.28139/2019

PM(CO)
GN(05/11/2019)



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