

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.12.2019

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.34461 of 2018

P.K.Naarayanan

..Petitioner

Versus

1. The State of Tamil Nadu represented
by the Principal Secretary to Government
Education Department, Fort St George
Chennai 600 001.

2. The Director of School Education
College Road, Chennai 600006.

3. The Joint Director of School Education
[Higher Secondary], College road
Chennai 600 006.

4. The Chief Educational Officer,
Villupuram District, Villupuram.

..Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of mandamus directing the respondents to upgrade the High School situate in Ayandur Village, Thirukoilur Taluk, Villupuram District as Higher Secondary School, pursuant to the representation of the petitioner dated 13.03.2018.

For Petitioner : Mr.Ravichandran Sundaresan
For R1 to R4 : Mr.S.T.S.Murthy, AAG
assisted by Mr.K.Karthikeyan
GA [Edn]

ORDER

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

(1)By consent, the writ petition is taken up for final disposal.

(2)The writ petition is styled as a public interest litigation by a practicing Advocate and he would aver among other things that there exist a Government School at Ayandur Village, Kandachipuram Taluk, Villupuram District and it is having all infrastructural and institutional facilities required for

upgradation to Higher Secondary School and however, it has not been upgraded and therefore, the students who want to pursue their higher education, have to go to Mambalapattu which is more than 5 Kms, away to join the Higher Secondary School.

(3)The Parents-Teachers Association of the said School also passed a Resolution on 15.07.2015 for upgradation of High School as Higher Secondary School and also remitted a sum of Rs.2 Lakhs on 16.12.2015 towards public contribution for such upgradation and despite very many personal representations, written representations have also been made and however, the concerned authorities had failed to take any kind of action and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

(4)The writ petition was entertained and counter affidavit of the 3rd respondent dated 30.04.2019 was filed and on going through the same, this Court raised certain queries for which the 2nd respondent has filed additional counter affidavit dated 04.12.2019. The petitioner also filed his Reply affidavit dated 06.12.2019.

(5)In the Additional Counter affidavit, the 2nd respondent took a stand that as per G.O.Ms.No.235, School Education Department dated 24.05.1997, guidelines have been issued for upgradation of a High School to a Higher Secondary School and insofar as the Government High School at Ayandur Village is concerned, in 10th standard, there are only 41 students consist of 17 boys and 24 girl students and as per the said Government Order, the students strength should not be less than 1000 and also given the tabular column as to the number of students presently studying in the Government High School, Ayandur Village and it is relevant to extract the same:-

Standard	Boys Students	Girls Students	Tota Students
VI	27	29	56
VII	28	18	46
VIII	29	35	64
IX	29	34	63
X	17	24	41
Total	130	140	270

(6)In paragraph No.8 of the affidavit, it is further averred that the Government Higher Secondary School at Mambalapattu, the Higher Secondary School at Arcot, the Government Higher Secondary School at Karanaiperichanur, are located 5 Kms away from the Government High School at Ayandur and that apart, the Government Higher Secondary School at Alampadi is located 7 Kms

away and moreover, two partially Government Aided Schools, viz., St.Xavier Boys Higher Secondary School and St.Marrys Girls Higher Secondary School, situate at Mugaiyur, are 3 Kms away and as such, the students who want to pursue their higher education, can get admitted in any of the above said schools.

(7)Mr.S.T.S.Murthy, learned Additional Advocate General assisted by Mr.K.Karthikeyan, learned Government Advocate [Edn] appearing for the respondents 1 to 4 would submit that periodical monitoring of the Government High School at Ayandur Village, as to the availability of teaching facility as well as infrastructural and basic facilities, is being done and as and when norms contemplated in G.O.Ms.No.235 of the School Education Department dated 24.05.1997 are reached, immediate and necessary steps would be taken to upgrade the said school to Higher Secondary School and the said submission, on instructions, is placed on record.

(8)The learned counsel for the petitioner has drawn the attention of this Court to the Reply Affidavit dated 06.12.2019 and would submit that insofar as the two partially Government Aided Schools are concerned, St.Xavier Boys Higher Secondary School is located in a remote area about 5 Kms away from Ayandur Village and St.Marrys Girls Higher Secondary School is located 6 Kms away from the said Village and in the light of the fact that most of the students studying in Government High School at Ayandur, is hailing from economically poor, background families and also belonging to lower strata of the society, it would be impossible for them to travel such a long distance to pursue their higher education and there is every possibility that their families may not permit them to pursue their higher education.

(9)In response to the said submission, the learned Additional Advocate General appearing for the respondents would submit that as of now, the transport facilities are available and free bicycles are also given to the students and that apart, free laptops are also provided and also undertakes to instruct the jurisdictional Regional Transport Officer as well the District Collector of Villupuram to find out whether adequate transport facilities are available and also file a Status Report as to the availability of infrastructural and other facilities in the Government High School at Ayandur Village as well as the transportation facilities.

(10)This Court has carefully considered the rival submissions and also perused the materials placed before it.

(11)This Court can take judicial notice of the fact that the Government is making every endeavor to provide education to the

students hailing from rural areas and upgradation of syllabus is also being done. This Court is also of the view that mere upgradation of the syllabus will not serve any purpose unless the teachers who impart education to the students are trained qualitatively and in this regard, the concerned Department of the Government shall take all out efforts to train the teachers for the purpose of imparting quality education to the students, especially the students who are hailing from rural areas.

(12)Nowadays, even the students hailing from the rural areas are also interested in pursuing their higher education and therefore, it is also a constitutional obligation on the part of the State Government to help those students to come out in their lives successfully and one of the modes available is to provide them quality education at an affordable cost.

(13)The students were also reach the school on time and for that purpose, adequate transport facilities are also to be made available and therefore, the jurisdictional Regional Transport Officer as well as the Collector of Villupuram District insofar as the present school is concerned, to take efforts to see to that adequate transportation facilities are available.

(14)In the light of the stand taken by the 3rd respondent in the counter affidavit and the 2nd respondent in the additional counter affidavit as to the Government Order in G.O.Ms.No.235, School Education Department, dated 24.05.1997, and also in the light the stand taken by the 2nd respondent in paragraphs No.6 and 8 of the additional counter affidavit, this Court, as of now, is not in a position to issue any positive direction for upgradation of the Government High School to Government Higher Secondary School at Ayandur Village.

(15)However, the respondents 3 and 4 shall periodically monitor the situation and as and when the said School reaches norms in terms of the above cited Government Order, necessary and immediate steps to be taken to upgrade the Government High School at Ayandur Village as Government Higher Secondary School.

(16)The 4th respondent shall also cause inspection of the said School to find out as to the infrastructural facilities available, especially, the basic amenities and quality of the education imparted upon the students and file a Status Report.

(17)The writ petition stands disposed of accordingly. No costs.

(18) Call on 29.01.2020 for filing of the STATUS REPORT of the 4th respondent with supporting documents and photographs.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

AP

To

- 1.The Principal Secretary to Government
State of Tamil Nadu
Education Department, Fort St George
Chennai 600 001.
- 2.The Director of School Education
College Road, Chennai 600006.
- 3.The Joint Director of School Education
[Higher Secondary], College road
Chennai 600 006.
- 4.The Chief Educational Officer,
Villupuram District, Villupuram.
(with direction)

COPY TO:-

- 1.The District Collector
Villupuram District.
 - 2.The Regional Transport Officer
Singapore Nagar, Moovendar Nagar
Villupuram 605601.
 3. The Section officer
Writ Section, High Court, Madras 104.
- +2 CCS to Mr.S.Ravichandran, Advocate sr 101923.
+1 CC to The Govt. Pleader sr 103144

WP.No.34461/2018

SSV(CO)
SP(10/01/2020)