



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2019

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI**

W.P. (MD) No.13678 of 2019

P.Santha Kumar

... Petitioner

-vs-

1.The District Collector
Kanyakumari District
Kanyakumari

2.The District Chief Education Officer
Kanyakumari District
Nagercoil, Kanyakumari

3.The District Education Officer
Kanyakumari District
Nagercoil, Kanyakumari

4.The Assistant Elementary Education Officer
Nagercoil
Kanyakumari District

5.Carmel Primary School
Madhapuram Panchayat
Killiyur, Kulithurai
Kanyakumari District
rep.by its Correspondent

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to take appropriate action against the fifth respondent for conducting the school without proper permission from the authorities.

For Petitioner : Mr.M.Jerin Mathew

For Respondents : Mrs.S.Srimathy
Special Government Pleader for R1 to R4
Mr.M.R.Sreenivasan for R5



O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

The petitioner, by way of this writ petition designed as public interest litigation, seeks for a direction upon the official respondents to take action on the fifth respondent School, which is an Elementary School, for admitting students in sixth standard.

2. Admittedly, the fifth respondent School has filed an application for being recognized as a Middle School and the application is now forwarded to the Director of Matriculation Schools on 24.07.2019 by the communication of the Chief Educational Officer. There is an allegation that the fifth respondent School has set up a rival Institution and there is also an allegation that the rival Institution has been sending certain anonymous complaints against the petitioner.

3. Be that as it may, an Elementary School cannot admit students in higher classes, without approval. Therefore, this aspect has to be examined by the authorities concerned. Simultaneously, the fifth respondent School is entitled to seek for upgradation and the upgradation will be considered in accordance with the provisions of the Rules. Pending upgradation, if there is any provision to the effect that the students can be admitted, then such procedures can be adopted. However, we do not propose to issue any direction in this writ petition, but we leave it to the decision of the respondents 3 and 4 and if necessary, they can inspect the School and pass appropriate orders in accordance with law.

4. With these observations, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To:

1.The District Collector,
Kanyakumari District,
Kanyakumari.

2.The District Chief Education Officer,
Kanyakumari District,
Nagercoil, Kanyakumari.



3.The District Education Officer,
Kanyakumari District,
Nagercoil, Kanyakumari.

4.The Assistant Elementary Education Officer,
Nagercoil,
Kanyakumari District.

+1 CC to M/s.M.R. SREENIVASAN, Advocate (SR-88055[F] dated
20/09/2019)

+1 CC to M/s.M.JERIN MATHEW, Advocate (SR-88233[F] dated 20/09/2019
)

+1 CC to M/s.SPL GP (SR-88315[F] dated 20/09/2019)

W.P. (MD) No.13678 of 2019
19.09.2019

krk

JM/10.10.2019/3P/8C