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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD) No.16474 of 2019

T.Mariappan

... Petitioner

Vs.

1.The Secretary to Government,
School Education Department,
St. George Fort,
Chennai.

2.The Joint Director of Education,
DPI Campus, College Road,
Chennai - 600 006.

3.The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.

4.The District Elementary Educational Officer,
Tirunelveli,
Tirunelveli District - 629 175.

5.The Head Master,
St. Antony Primary School,
Palayamkottai,
Tirunelveli District.

6.The Correspondent,
St. Antony Primary School,
Palayamkottai,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 4th respondents to complete the proceedings conducted based on the proceedings bearing Oo.Mu.No.029385/G1/17 dated 08.02.2018 by considering the representation of the petitioner dated 18.11.2017 within a time frame that may be fixed by this Hon'ble Court.

For Petitioner

: Mr.S.C.Herold Singh

For Respondents 1 to 4

: Mr.A.K.Baskarapandian
Special Government Pleader

**ORDER**

(Order of the Court was made by **M. SATHYANARAYANAN, J.**)

By consent, this Writ Petition is taken and disposed of by this order.

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2. The petitioner, who is a practising advocate of Tirunelveli Bar came forward to file this Writ Petition styled as "Public Interest Litigation" alleging that the former Headmistress of the 5th respondent school viz. Sr. Lourthu Amala Jeyanthi had collected huge amount by way of admission of fees etc. and the same is against the provisions of Right of Children to Free and Compulsory Education Act, 2009. The petitioner has also submitted a representation dated 18.11.2017, to the official respondents as well as to the Palayamkottai R.C. Diocese and since it failed to invoke any response, he came forward to file this Writ Petition.

3. The learned counsel appearing for the petitioner has drawn the attention of this Court to the proceedings of the second dated 08.02.2018 in Oo.Mu.No.029385/G1/17 and would submit that the said representation has been forwarded to the fourth respondent for appropriate action and despite lapse of nearly 1 ½ years, no worthwhile action has been taken and therefore, the petitioner is constrained to approach this Court by filing this Writ Petition.

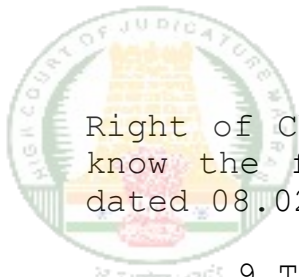
4. Per contra, the learned Special Government Pleader, who accepts notice on behalf of respondents 1 to 4 would submit that admittedly the fifth respondent institution is a minority institution and there are certain constraints as to the interference of the day to day affairs of the management of minority school and suitable advice would be given to the fourth respondent to act on the communication of the second respondent.

5. This Court has considered the rival submissions and also perused the materials placed before it.

6. Admittedly, the fifth respondent institution is a minority institution and allegations have been levelled against the former headmistress Sr. Jeyanthi. It also appears from the materials on record that the petitioner did not follow up the matter with the Roman Catholic Diocese of Palayamkottai, under whose control the fifth respondent institution is running.

7. As rightly pointed out by the learned Special Government Pleader appearing for the official respondents since the 5th respondent institution is a minority institution, there are certain constraints on the part of the official respondents to take some action.

8. This Court taking into consideration the facts and circumstances of the case, directs the second respondent to follow up the fourth respondent as to the communication dated 08.02.2018 and the petitioner is also at liberty to invoke the provisions of



Right of Children to Free and Compulsory Education Act, 2009 and to know the follow up of the communication of the second respondent dated 08.02.2018.

9.The Writ Petition is disposed of accordingly. No costs.

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Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

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SJ

KK/SAR/02.08.2019/3P-5C/