



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2019

CORAM:

THE HONOURABLE **MR. JUSTICE M. SUNDAR**

W.P(MD)No.20671 of 2019

and

W.M.P(MD)No.17286 of 2019

WEB COPY

The Correspondent
Rafols Nursery and Primary School,
South Street, Anaikkadu,
Pattukkottai-614 602,
Thanjavur District.

... Petitioner

/Vs./

1.The State of Tamil Nadu,
rep., by its Secretary,
Department of School Education,
Fort St.George, Chennai-600 009.

2.The Director of Elementary Education,
College Road, Chennai-600 006.

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

4.The District Educational Officer,
Thanjavur, Thanjavur District.

5.The Block Educational Officer,
Pattukkottai-614 601.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the first respondent State Government to consider and pass orders forthwith on the petitioner's memorandum to it dated 09.07.2019 and the reminder dated 19.08.2019 seeking for recognising the school namely, 'Rafols Nursery and Primary School, Anaikkadu, Pattukkottai, Thanjavur District' as a Christian Religious Minority Educational Institution.

For Petitioner : Ms.A.Amala
For Respondents : Mr.M.Karuppasamy
Government Advocate

ORDER

Ms.A.Amala, learned counsel on record for writ petitioner is before this Court.

2. Mr.M.Karuppasamy, learned Government Advocate, accepts
<https://hcservices.ecourts.gov.in/hcservices/>



notice on behalf of all five(5) respondents.

3. With consent of learned counsel on both sides, main writ petition is taken up, heard out and is being disposed of.

4. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 09.07.2019 wherein writ petitioner has made a request to notify the institution viz., Rafols Nursery and Primary School, South Street, Anaikkadu, Pattukkottai, Thanjavur District, as a Christian Religious Minority Educational Institution.

5. Notwithstanding several averments made in the affidavit filed in support of the writ petition, notwithstanding several grounds raised / contentions urged in the affidavit filed in support of instant writ petition, learned counsel for writ petitioner abridges the scope of the writ petition and submits that it will suffice if the first respondent is directed to dispose of the aforementioned representation of the writ petitioner, dated 09.07.2019, details of which have been alluded to supra.

6. Learned State counsel submitted that the first respondent is the authority who shall consider the aforementioned representation dated 09.07.2019 made by the writ petitioner (page Nos.11 to 14 of the typed set of papers forming part of the case file).

7. The aforesaid representation dated 09.07.2019 shall be disposed of by the first respondent on its own merits and in accordance with law as expeditiously as possible and in any event, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

8. It is made clear that in the course of the representation being considered by the first respondent, if the rights of any other third party / parties or any other third party entity / entities is / are likely to be affected, the first respondent shall give reasonable opportunity to such third party / parties or any other third party entity / entities, before disposing of the aforementioned writ petitioner's representation. Though obvious, it is made clear that this Court has not expressed any opinion or view on the merits of the matter.

9. The proceeding / order of disposal shall be communicated by the office of the first respondent to the writ petitioner under due acknowledgement within seven (7) working days from the completion of aforesaid exercise.



10. Instant Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

WEB COPY

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St.George, Chennai-600 009.
- 2.The Director of Elementary Education,
College Road, Chennai-600 006.
- 3.The Chief Educational Officer,
Thanjavur, Thanjavur District.
- 4.The District Educational Officer,
Thanjavur, Thanjavur District.
- 5.The Block Educational Officer,
Pattukottai-614 601.

+1CC TO MR.A.AMALA, Advocate Sr. No.89442

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.89852

Order made in
W.P(MD)No.20671 of 2019
Dated: 25.09.2019

MA(CO)

TR(11.10.2019) 3P 8C