

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.05.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.7656 of 2020 & WMP.No.9001/2020

S.Stalinraja

...Petitioner

Versus

Principal Secretary to Government of Tamil Nadu,
Ministry of School Education,
Fort St.George,
Chennai 600 009.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus directing the respondents, to postpone the 10th and 12th standard public exams till the State of Tamil Nadu reporting zero percentage of the disease caused by the novel corona virus.

For Petitioner : Mr.S.Stalin Raja
Party-in-person

For Respondent : Mr.Vijay Narayan,
Advocate General
assisted by

Mr.C.Munusamy, Spl.GP[Edn]

ORDER

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

1. The writ petition is filed as a Public Interest Litigation by the petitioner who claims to be a practicing Advocate and as usual, the petitioner who claims to be a lawyer, has not done his homework before filing this writ petition styled as a Public Interest Litigation.

2 It is also useful and relevant to refer to the guidelines laid down by the Hon'ble Supreme Court of India reported in 2010 [3] SCC 402 [State of Uttaranchal V. Balwant Singh Chaufal and others]. The Hon'ble Supreme Court of India, taking into consideration the various decisions, had laid down guidelines for filing the Public Interest Litigation for the purpose of maintaining purity and sanctity. In paragraph Nos.22, 23, 173 and 174, it was observed in the said decision that " It was expected from a member of noble profession not to invoke jurisdiction of the Court in a matter where controversy itself is no longer res integra. The petitioner, a local Practicing lawyer, ought to have bestowed some care before filing his writ petition in public interest under article 226 of the Constitution.....A degree of precision and purity in presentation is a sine qua non for a petition filed by a member of the Bar under the label of public interest litigation. It is expected from a member of the Bar to at least carry out the basic research whether the point raised by him is res integra or not. The lawyer who files such a petition cannot plead ignorance.....A practicing lawyer has deliberately abused the process of the court. In that process, he has made a serious attempt to demean an important constitutional office. The petitioner ought to have refrained from filing such a frivolous petition".

3 This Court has also put a query to the petitioner/party-in-person as to the scope of interference by this Court in exercise of its jurisdiction under Article 226 of the Constitution of India in respect of academic matters and at this juncture, the petitioner/party-in-person, craves the leave of this Court to withdraw this writ petition.

4 In the light of the plea made by the petitioner/party-in-person, this writ petition is dismissed as withdrawn. However, no liberty is granted to the petitioner to file a fresh writ petition on the same cause of action. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

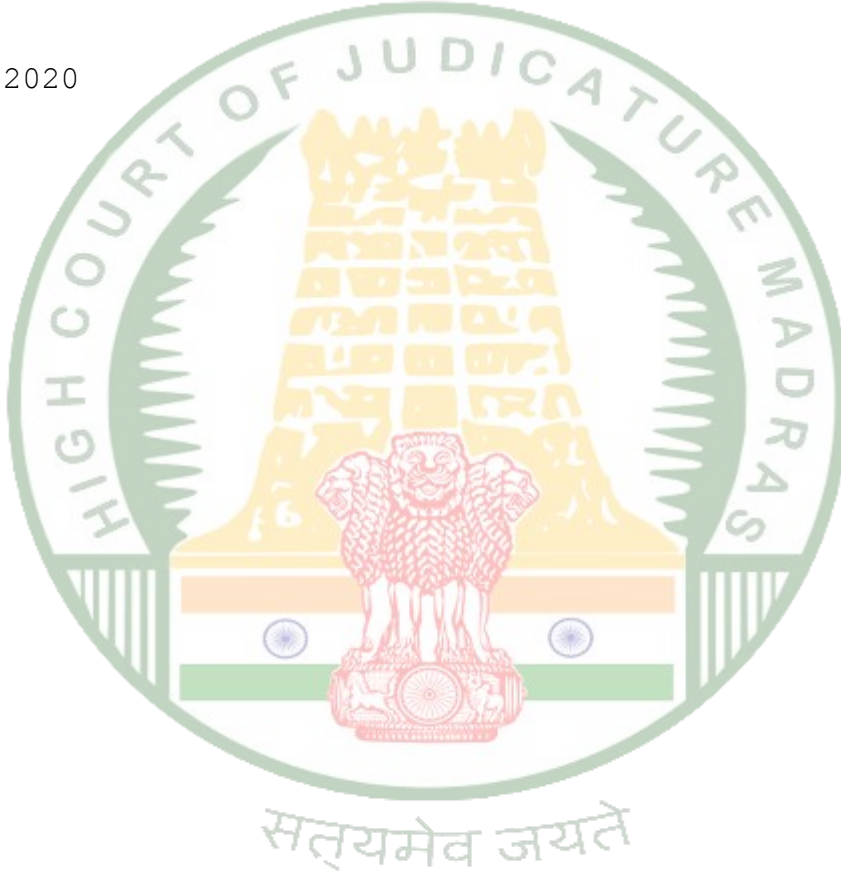
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To

Principal Secretary to Government of Tamil Nadu,
Ministry of School Education,
Fort St.George,
Chennai 600 009.

W.P.No.7656 of 2020

VSN II (CO)
KKV/12/06/2020



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