



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.14745 of 2020

Madurai Nadar Uravinmurai's Jayaraj
Nadar Higher Secondary School,
Rep. by its Secretary
Nagamalai Pudukkottai
Madurai- 625 019.

... Petitioner

Vs.

1.The Chief Educational Officer,
Madurai District,
Tallakulam- 625 002,
Madurai District.

2.The District Educational Officer,
Thirumangalam, Madurai,
Madurai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the first respondent to grant permission forthwith for conversion of 2 existing Tamil Medium Sections in Standards 6 to 10 as English Medium Sections by considering the petitioner's proposal dated 16.10.2018.

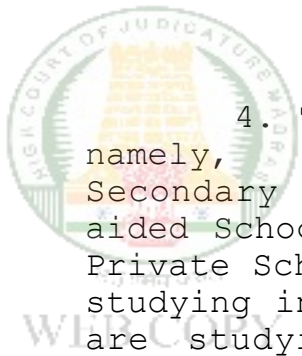
For Petitioner : Mr.E.V.N.Siva
For Respondents : Ms.Lakshmi Prasanna
Government Advocate

ORDER

The petitioner has come forward with this Writ Petition, seeking a direction to the first respondent to grant permission forthwith for conversion of 2 existing Tamil Medium Sections in Standards 6 to 10 as English Medium Sections by considering the petitioner's proposal dated 16.10.2018.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Ms.Lakshmi Prasanna, learned Government Advocate accepts notice on behalf of the respondents.



4. The case of the petitioner is that the petitioner School, namely, Madurai Nadar Uravinmurai's Jayaraj Nadar Higher Secondary School, Nagamalai Pudukottai is a recognized private aided School governed by the provisions of the Tamilnadu Recognized Private Schools (Regulation) Act and Rules. As on date 2325 students studying in the petitioner School and out of which, 2025 students are studying in the aided sections of the petitioner-school. Considering the interest shown by the parents and students towards English Medium learning, the State Government vide G.O.Ms.No.148 (School Education Department) dated 20.07.2018 granted permission for conversion of 50% of the existing aided Tamil Medium Sections as English Medium Sections. In pursuance to the above, Government Order, the petitioner School submitted proposal dated 16.10.2018 to the first respondent herein through the second respondent herein seeking conversion of 2 existing Tamil Medium sections in standards 6 to 10 (50% of the existing aided Tamil Medium Sections) as English Medium Sections. The second respondent herein, vide proceedings, dated 13.11.2018 returned the proposal seeking to remit sum of Rs.1000/- towards such conversion and to re-submit the application thereafter. Accordingly, the said amount was remitted in Government Account in the Sub Treasury Office on 19.11.2018 itself and the proposal dated 16.10.2018 was re-submitted on 20.11.2018 itself and reminder was submitted on 01.10.2019, however there is no response from the respondents thereafter. As per Rule 4 of the Tamil Nadu Recognized Private schools (Regulation) Rules and as per G.O.Ms.No.148 (School Education Department), dated 20.07.2018, the first respondent herein is the competent authority to pass orders granting such conversion. However, the proposal submitted by the petitioner-school dated 16.10.2018 is kept pending without consideration and no orders passed so far. In such circumstances, the petitioner has approached this Court.

5. When the matter is taken up for hearing, Ms.Lakshmi Prasanna, learned Government Advocate appearing for the respondents would submit that the communication has already been addressed to the concerned authorities which has been returned and it has again been forwarded on 17.11.2020 and she has also produced a copy of the same before this Court.

6. This Court is of the considered view that no prejudice will going to be caused to the respondents, if a decision is taken on the representation of the petitioner dated 16.10.2018. Hence, without going to the merits of the case, this Court directs the concerned Authority, namely, the first respondent to take a decision on the proposal of the petitioner, dated 16.10.2018 in accordance with law, within a period of 60 days from the date of receipt of a copy of this order.



7. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Chief Educational Officer,
Madurai District,
Tallakulam- 625 002,
Madurai District.

2.The District Educational Officer,
Thirumangalam, Madurai,
Madurai District.

+1cc to Special Government Pleader Sr.No.26220

W.P. (MD) No.14745 of 2020

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PU (CO)

NR (18/01/2020) 3P : 4C