



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2020

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THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.16320 of 2020

WEB COPY

All India Private Schools Legal Protection Society,
(Registered Under Tamil Nadu Act 27 of 1975,
S.L.No.675 of 2014),
No.2/11/29, Vembhar Nagar, Elathur,
Tenkasi District-627803,
Represented by its Chairman,
I.Manoharan Jeyakumar

...Petitioner

-Vs-

1.The Principal Secretary,
Government of Tamil Nadu,
School Education Department,
Secretariat, Fort St. George, Chennai-9.

2.The Director of School Education,
DPI Campus, Chennai-6.

3.The Director of Matriculation Schools,
DPI Campus, Chennai-6.

4.The Director of Elementary Education,
DPI Campus, Chennai-6.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to direct the third respondent to give upgradation to the existing Matriculation Schools on the basis of G.O.(Ms)No.175, School Education Department, dated 20.07.2017, by considering the petitioner's representation dated 18.09.2020.

For Petitioner : Ms.L.Victoria Gowri
For Respondents : Ms.Lakshmi Prasanna,
Government Advocate.

ORDER

This Writ Petition has been filed, seeking a direction to the respondents 1 and 2 to direct the third respondent to give upgradation to the existing Matriculation Schools on the basis of G.O.(Ms)No.175, School Education Department, dated 20.07.2017, considering the petitioner's representation dated 18.09.2020.

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.According to the petitioner, he is the Chairman of All India Private Schools Legal Protection Society. The second respondent, by his order dated 24.04.2018, has directed the Head Masters of all the Schools and the Inspectors of Matriculation Schools of all the districts of the State of Tamil Nadu to admit the children in schools only on receipt of the Transfer Certificate from the previous school of the students. However, the same has not been followed by the Head Master of various Educational Institutions. Therefore, the petitioner has made several representations to the respondents 1 and 2, lastly on 18.09.2020. Since no effective efforts have been taken, he has approached this Court seeking aforesaid prayer.

5.This Court is of the considered view that the relief sought for by the petitioner as such cannot be granted. However, no prejudice is going to be caused, if a direction is issued to the respondents to dispose of the representation of the petitioner dated 18.09.2020. Therefore the respondents are directed to dispose of the representation of the petitioner dated 18.09.2020, after affording opportunity to the petitioner as well as to other interested persons, within a period of 120 days from the date of receipt of a copy of this order.

6.Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Myr

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 Principal Secretary,
Government of Tamil Nadu,
School Education Department,
Secretariat, Fort St. George, Chennai-9.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Director of School Education,
DPI Campus, Chennai-6.

3.The Director of Matriculation Schools,
DPI Campus, Chennai-6.

4.The Director of Elementary Education,
DPI Campus, Chennai-6.

+1 CC to M/s.SPL GP (SR-22337[F] dated 20/11/2020)

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SV2 (CO)

KB(01.12.2020) 3P 6C