



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

WRIT PETITION NO. 25200 OF 2021

S.Partheeban

... Petitioner

-Vs-

1. The Director of Elementary Education,
DPI Campus, College Road,
Chennai -600 006.
2. The Chief Educational Officer,
O/o. Chief Educational Office,
Collectorate Campus,
Salem - 636 001.
3. The District Elementary Educational Officer ,
O/o. The District Elementary Educational Office,
Collectorate Campus,
Salem - 636 001.

... Respondents

Prayer:

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus or any other writ, directing the respondents to consider the petitioner's application for recognition of the school by name 'Boston Nursery and Primary School' at Jari Kondalampatty, Salem by considering the application dated 8.11.2021 submitted by the petitioner.

For Petitioner : Mr. B.Kumarasamy

For Respondents : Mr. U.Baranidharan
Additional Government Pleader



O R D E R

This writ petition is filed praying for the issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's application for recognition of the school by name 'Boston Nursery and Primary School' at Jari Kondalampatty, Salem by considering the application dated 8.11.2021 submitted by the petitioner.

2. The case of the petitioner is that the petitioner is a social worker and helping the poor, needy, unprivileged and downtrodden in pursuing education. The petitioner started a school, namely 'Boston Nursery and Primary School' in the year 2004 at Jari Kondalampatty, Salem for purpose of imparting education to poor children in the said locality. The said private school is unaided school and the petitioner is the correspondent adviser of the school. There are 250 students studying and there are 11 qualified teachers working in the said school. It is further submitted that the petitioner, in order to get recognition for the said school, made an application on 08.11.2021 and till date no order has been passed. Hence, this writ petition.

3. Learned counsel appearing for the petitioner submitted that, without going into the merits, it would suffice, if this Court issue direction to the respondents to consider the petitioner's application dated 08.11.2021 and pass appropriate orders within a reasonable time that may be fixed by this Court.

4. Learned Government Advocate appearing for the respondents submitted that already the petitioner's representation/application dated 08/11/2021 was considered and the same was returned on 18.11.2021. He further submitted that without challenging the same, filing the present writ petition is not maintainable and accordingly he prays for dismissal of the present writ petition before this Court.

5. Considering the submissions made by the learned counsel for the respondent, since the petitioner's representation has already been considered and returned back/rejected, without challenging the same, filing this present writ petition is not sustainable and the prayer sought for by the petitioner cannot be accepted.

6. Accordingly, this writ petition is dismissed. No costs. Connected Miscellaneous petitions if any is closed. However, liberty is granted to the petitioner to work out the remedy in the manner known to the law.



7. However, the petitioner is granted liberty to pursue the earlier application by submitting the compliance report in respect of the returned order dated 18.11.2021 and if such report is filed, the respondent shall consider the same and pass appropriate orders in accordance with the law .

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sha/skt

To

1. The Director of Elementary Education,
DPI Campus, College Road,
Chennai -600 006.
2. The Chief Educational Officer,
O/o. Chief Educational Office,
Collectorate Campus,
Salem - 636 001.
3. The District Elementary Educational Officer ,
O/o. The District Elementary Educational Office,
Collectorate Campus,
Salem - 636 001.

+1cc to Mr. B.Kumarasamy, Advocate, S.R.No.61601
+1cc to the Government Pleader, S.R.No.61468

Writ Petition No. 25200 of 2021

GPL(CO)
PM/16/12/2021