



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32443 of 2019

S. Muthuvel

.. Petitioner

Vs.

1. The Director,
Directorate of Elementary Education,
Chennai-6.
2. The District Elementary Education Officer,
[Now Known as Chief Education Officer],
Nagapattinam.
3. The District Education Officer,
Sirkali,
Nagapattinam District.
4. The Assistant Elementary Education Officer,
[Now known as Block Education Officer]
Sembanarkoil,
Tharangambadi Taluk,
Nagapattinam District.
5. The District Collector,
Nagapattinam.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents 1 to 4 more particularly 1st respondent to pass necessary orders of taking over the management of Mariappa Srinivasa Aided Elementary school, Kattucherry, Sembanarkoil Union, Tharangambadi Taluk, Nagapattinam District by the Government in pursuance of proceedings of the 5th Respondent in Na.Ka.No.101/2014/Mu.A dated 27.10.2014.

For Petitioner : Mr. S. Sounthar

For Respondents : Mr. Stalin Abimanyu,
Additional Government Pleader for R1 to R4
: M/s. C. Sangamithirai,
Special Government Pleader for R5.



O R D E R

The petitioner has filed this petition under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents 1 to 4 to pass necessary orders of taking over the management of Mariappa Srinivasa Aided Elementary school, Kattucherry, Sembanarkoil Union, Tharangambadi Taluk, Nagapattinam District by the Government in pursuance of proceedings of the 5th Respondent in Na.Ka.No.101/2014/Mu.A dated 27.10.2014.

2.The case of the petitioner is that the petitioner's family is the founder of Mariappa Srinivasa Aided Elementary school, Kattucherry consisting of 32 students, 3 teachers and 1 noon meal scheme organizer. Now, the petitioner and his family members are not interested in managing the affairs of the school and the present school building is in dilapidated condition endangering the life of the students and the staff members. While being so, the petitioner has decided to surrender the management of the said school to the Government and a settlement deed dated 28.07.2014 was registered vide DOC.No.776/14 subsequent to which the 5th Respondent passed an order dated 27.10.2014 stating that the subject school is in a dilapidated condition and that new school would be erected and requested the 1st Respondent to pass necessary orders for taking over the management of the said school, however, till date no action was taken on the order passed by the 5th Respondent. Hence, the present Writ Petition is filed seeking the above relief.

3. Though very many grounds have been raised, the learned counsel for the petitioner submits that it would suffice if this Court issues direction to the Respondents 1 to pass necessary orders for taking over the management of the subject school pursuant to the order dated 27.10.2014 passed by the 2nd Respondent within a particular time frame fixed by this Court. Further the learned counsel submits that since the school is in dilapidated condition endangering the life of the students and the staff members, this Court may issue direction to the Respondent to shift the students along with staff Members to a nearby Government School as a temporary measure.

4. The learned Counsel for the Respondents submits that necessary orders in respect of taking over the management of the school would be passed within a particular time frame fixed by this Court.

5. Taking into consideration the submission made by the learned counsel for the petitioner, this Court without going into the merits of the case, issues direction to the Respondents 1 to 4 to pass necessary orders pursuant to the order passed by



the 5th Respondent on 27.10.2014 in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order.

6. Further considering the fact that the school is in dilapidated condition which may endanger the life of the students and staffs, this Court directs the Respondents 1 to 4 to temporarily shift the students and staff members of the school to some nearby school within a period of two weeks from the date of receipt of a copy of this order till the compliance of the aforesaid order passed by this Court.

7. This Writ Petition is accordingly disposed of with the aforesaid directions. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

NHS

To

1. The Director,
Directorate of Elementary Education,
Chennai-6.
2. The District Elementary Education Officer,
[Now Known as Chief Education Officer],
Nagapattinam.
3. The District Education Officer,
Sirkali,
Nagapattinam District.
4. The Assistant Elementary Education Officer,
[Now known as Block Education Officer]
Sembanarkoil,
Tharangambadi Taluk,
Nagapattinam District.
5. The District Collector,
Nagapattinam.

+1cc to Mr.S. Sounthar, Advocate SR.No.64494
+1cc to Government Pleader SR.No.64875

W.P.No.32443 of 2019

CA (CO)
GMY (04/01/2022)