



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.10310 of 2021

WEB COPY

MLWA Higher Secondary School

Run by Jain Educational and Empowerment Trust,

Rep. by its Secretary,

S.Bhawarlal,

No.1, Tamilsangam Road,

Maninagaram,

Madurai - 625 001.

...Petitioner

Vs.

1.The Director of School Education (Hr. Sec)

DPI Compound,

College Road

Chennai.

2.The Chief Educational Officer

Tallakulam,

Madurai.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to rectify the mistake in fixation of student strength by mentioning the students studying under aided subjects namely, Maths, Physics, Chemistry (TM) and Economics, Commerce and Accountancy (TM) are under Aided, instead of showing all those subjects under Self Finance, except Computer Science, in the light of representation submitted by the petitioner, dated 29.03.2021 and 02.04.2021.

For Petitioner

: Mr.K.Balasubramanian

For Respondents

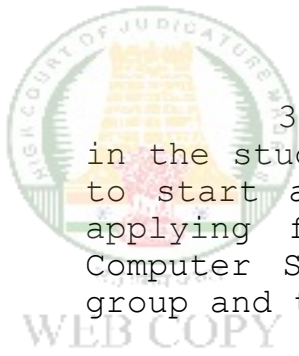
: Mr.M.Lingadurai,

Government Advocate (Civil)

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the second respondent to act upon the representation made by the petitioner on 29.03.2021, wherein, the petitioner is seeking for the rectification of the earlier sanction given in the year 2018.

2. The case of the petitioner is that the School is an aided Non-Minority Educational Institution. This School was upgraded as Higher Secondary School in the year 1984. Thereafter, the first respondent has sanctioned 10 PG Assistant Posts during the academic year 1984 - 1985.



3.The School was progressing well and there was an increase in the student strength and therefore, the petitioner School decided to start a new group for Computer Science. The petitioner while applying for permission, made it clear that in so far as the Computer Science group is concerned, it will be a self-financing group and the costs will be borne by the School.

4.The grievance of the petitioner is that the second respondent while undertaking the process of staff fixation for the academic years 2018-2019 and 2019-2020, has wrongly noted as if all the subjects under the group are under the self-finance mode. According to the petitioner, except the Computer Science subject, all the other subjects such as Physics, Maths, Chemistry, etc., cannot also be added to the self-financing mode.

5.The staff fixation must take place for the present academic year and this mistake that has crept in was sought to be corrected by the petitioner by making a representation on 29.03.2021 and followed by another representation, dated 02.04.2021. Since the same did not evoke any response, the present Writ Petition has been filed before this Court seeking for appropriate directions.

6. Heard Mr.K.Balasubramanian, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Government Advocate (Civil) appearing on behalf of the respondents.

7. Taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the second respondent to consider the representation made by the petitioner on 29.03.2021 and deal with the same on its own merits and in accordance with law and take action within a period of four weeks from the date of receipt of a copy of this order.

8. The petitioner is directed to make a fresh representation to the respondents along with all other relevant documents and also a copy of this order.

9. The Writ Petition stands disposed of with the above directions. No costs.

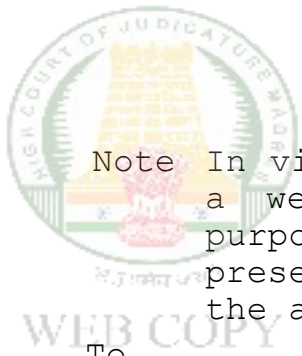
Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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 Director of School Education (Hr. Sec)
DPI Compound,
College Road
Chennai.

2.The Chief Educational Officer
Tallakulam,
Madurai.

+1 CC to M/s.K.BALASUBRAMANIAN, Advocate (SR-19677[F]
dated 21/06/2021)

+1 CC to M/s.SPL GP (SR-19743[F] dated 21/06/2021)

W.P. (MD) .No.10310 of 2021
18.06.2021

KB(25.06.2021) 3P 5C