



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 09.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

W.P. (MD)No.17927 of 2020

and

W.M.P. (MD)No.14951 of 2020

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The Correspondent,
St. Mary's Higher Secondary School,
Melpalai - 629 152,
Kanyakumari District.

... Petitioner

- Vs -

1.The Secretary to Government,
School Education Department,
St. George Fort,
Chennai.

2.The Director of School Education,
(Secondary Education),
DPI Campus, College Road,
Chennai - 600 006.

3.The Chief Educational Officer,
Kanyakumari District,
at Nagercoil.

4.The District Educational Officer,
Thiruvattar Educational District,
at Marthandam.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to grant permission to start English Medium for 11th and 12th standard by sanction grant for the same and also include the students studying in English Medium for the purpose of staff fixation within a time frame that may be fixed by this Court by considering the proposal forwarded by the petitioner to the Second respondent dated 09.10.2020.

For Petitioner
For Respondents

: Mr.S.C.Herold Singh
: Mrs.Lakshmi Prasanna
Government Advocate

**ORDER**

The case of the petitioner school is that it was started on 06.06.1955. The school was later upgraded as High School from 13.06.1956 and during the academic year 1998-1999 the school has also started English medium sections and the education authorities had also granted permission for the same. As such, the petitioner school has been conducting English medium classes from standards 1 to 10.

2. According to the petitioner school, there has been a popular demand for starting of English medium classes for 11th and 12th standards in order to help the students to continue their education in English and complete their schooling in the same school. According to the petitioner school, the Government has also issued Government Order in G.O.Ms.No.148, School Education (SE6(1)) Department, dated 20.07.2018 by which permission is to be granted to the aided schools to start English medium classes in view of the increasing demand for English medium classes.

3. In the above circumstances, the petitioner requested the education authorities for starting of English medium classes for standard 11 and 12. A representation in this regard was also submitted on 29.08.2018. Since there was no action forthcoming, a reminder was also sent on 14.03.2020. The petitioner school has also submitted another request on 25.06.2020 seeking permission from the authorities to start English medium classes in terms of G.O.Ms.No.148, School Education (SE6(1)) Department, dated 20.07.2018. Since there was no response forthcoming, the petitioner is before this Court.

4. Notice was ordered and in response to the notice, Mrs. Lakshmi Prasanna, learned Government Advocate has entered appearance for the respondents. A counter affidavit is also filed by the fourth respondent. In the counter affidavit filed on behalf of the respondents, the details have been spelt out as to how the education authorities deal with the request of starting of English medium classes in respect of various standards. In fact, the learned Government Advocate appearing for the respondents would also draw the attention of this Court to the contents of G.O.Ms.No.148, School Education (SE6(1)) Department, dated 20.07.2018, wherein the Government while permitting starting of English medium classes, would not like to bear any additional financial burden towards grant-in-aid to the school.

5. While contending as such, in paragraph 7 of the counter affidavit, it is also stated that though proposals had been received from the school in term of G.O.Ms.No.148, School Education (SE6(1)) Department, dated 20.07.2018, the application was without proper



enclosures. In the event of application is received with required enclosures and in complete shape, the same will be submitted to the third respondent for consideration.

6.Mr.S.C.Herold Singh, learned Counsel appearing for the petitioner would submit that the above referred Government Order in fact provides for starting of English medium classes, as there has been increasing demand of English medium classes from the parents and students. While on one hand, the Government is encouraging starting of English medium classes, on the other, it places some embargo on financial burden on them. However, the learned Counsel appearing for the petitioner would submit that there is no specific bar in the Government Order regarding grant-in-aid for the starting of English medium classes. In any event, the learned Counsel appearing for the petitioner would submit that the third respondent may be directed to consider the request of the petitioner on receipt of proper application from the petitioner school with reference to the relevant Government Order on this subject matter.

7.In consideration of the request of the learned Counsel appearing for the petitioner and also in the light of the averments contained in paragraph 7 of the affidavit, this Court is not inclined to go into the merits and demerits of the claim of the petitioner vis-a-vis the education authorities. However, when the respondents themselves have committed in the counter affidavit that they would consider the issue after receiving all the required enclosures, this Court in the fitness of things is inclined to dispose of the Writ Petition with the directions as under:

(i) The petitioner school is directed to submit application in proper format with all the required enclosures for the purpose of seeking permission for starting of English medium classes for standards 11 and 12 within a period of two weeks from the date of receipt of a copy of this order.

(ii) The third respondent or any competent authority shall consider the application of the petitioner school on merits and in accordance with law including the request for grant-in-aid for starting of English medium classes for standards 11 and 12 within a period of four weeks after receipt of the proper application with all enclosures from the petitioner school.

(iii) The third respondent is also directed to consider the claim of the petitioner school with reference to the relevant instructions and the Government Orders issued from time to time on the subject issue.



8. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SRM

To

1. The Secretary to Government,
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Chennai.

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(Secondary Education),
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at Marthandam.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-4149[F] dated 10/02/2021)

+1 CC to M/s.GP (SR-4286[F] dated 10/02/2021)

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