



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE T.S.SIVAGNANAM

W.P.(MD) No.5637 of 2018

K.Anbalagan

... Petitioner

Vs

1.State of Tamil Nadu

Represented by Secretary to Government,
Education Department, Secretariat,
St.George Fort,
Chennai.

2. The Joint Director,
School Education (Higher Secondary),
Chennai - 6.

3. The Chief Educational Officer,
Karur District.

4. The District Educational Officer,
Karur District.

5. The Secretary,
Vivenkananda Higher Secondary School,
Pasupathipalayam,
Karur - 4.

6. The Headmaster,
Vivenkananda Higher Secondary School,
Pasupathipalayam,
Karur - 4.

7. K.Balasubramaniam

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents 1 to 4 to take appropriate action to prevent illegal collection of fees and to take appropriate action against the respondents 5 to 7 for their illegal activities in receiving Government Aid without any recognition for High & Higher Secondary School and without having a well constructed school building.

For Petitioner

: Mr.K.Suresh

For Respondents

: Mr.R.Baskaran

Standing Counsel for Government,
For R1 to R4

Mr.B.Saravanan, For R5

Mr.N.C.Ashok Kumar, For R6 & R7



ORDER

[Order of the Court was made by T.S.SIVAGNANAM, J.]

The petitioner in this public interest litigation, seeks for a direction to take appropriate action against the fifth respondent/school. The report filed by the District Educational Officer shows that action has been initiated by the Department and an inquiry was directed to be conducted, taking note of the petitioner's representation as early as in the year 2017.

2. Learned Government counsel appearing for the official respondents would submit that when action was being taken and the matter was proceeded with, the petitioner had approached this Court and filed this writ petition and the matter was kept in abeyance. By efflux of time, it would be futile exercise to make an inquiry with regard to certain allegations purported to have occurred during the year 2015. The fifth respondent school would submit that smart class was introduced in the school pursuant to a resolution passed by the parent-teacher association. It is submitted that as on date, the school has got its stability certificate and the fees fixed by the Government is being collected.

3. In the light of the above, we dispose of this writ petition with an observation that it would be open to the Department to conduct an inquiry to examine as to whether the institution is administered by following the relevant rules and the orders issued by the Government from time to time.

4. There will be no order as to 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

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+1CC to Mr.K.Suresh, Advocate (SR25001)
+1CC to Special Government Pleader (SR24961)
+1CC to Mr.B.Saravanan, Advocate (SR24879)
+1CC to Mr.N.C.Ashok kumar, Advocate (SR24827)

W.P. (MD) No.5637 of 2018
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ARK

RS (10.08.2021) 3P-11C