



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2022

CORAM:

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD)No.6272 of 2011

and MP (MD)Nos.2 of 2011 & 1 of 2012

WEB COPY

The Secretary,
D.V.D.Higher Secondary School,
Kottar,
Nagercoil - 629 002.

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George,
Chennai-600 009.

2. The Director of School Education,
College Road, Chennai-600 009.

3. The Joint Director of School Education (Vocational),
College Road,
Chennai-600 009.

4. The Chief Educational Officer,
Kanyakumari District,
Nagercoil-629 001.

5. The District Educational Officer,
Nagercoil, Kanyakumari District.

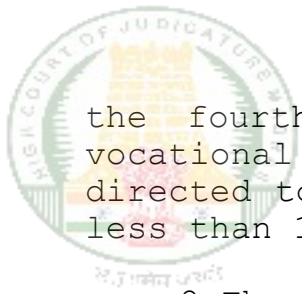
... Respondents

PRAYER :-Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified, calling for the records relating to the impugned proceedings issued by the fourth Respondent/ Chief Educational Officer in Na.Ka.No.4002/A3/2011 dated 21-05-2011 and quash the same in so far as the petitioner school is concerned viz., DVD Higher Secondary School, Kottar, Kanyakumari District.

For Petitioner	: Mr.P.Muthuvel for M/s. Isaac Mohanlal
For Respondents	: Mr.V.Nirmalkumar Government Advocate

ORDER

The present writ petition has been filed challenging the impugned order Na.Ka.No.4002/A3/2011, dated 21-05-2011, passed by
<https://hcservices.ecourts.gov.in/hcservices/>



the fourth Respondent/ Chief Educational Officer, in which, a vocational group in the name and style of Office Secretaryship was directed to be closed, on the ground that the students strength was less than 15 for the academic year 2011-2012.

2.The learned counsel for the petitioner relied upon G.O.Ms.No.9 dated 06.01.2009 and contended that such a decision could be taken only by the second respondent herein. However, the impugned order has been passed by the fourth respondent, without any jurisdiction.

3.The learned Government Pleader would brought to the notice of this Court that even in the academic year 2021-2022, there are only seven students in the said vocational group.

4.Considering the fact that in violation of G.O.Ms.No.9, dated 06.01.2009, the impugned order has been passed by the fourth respondent, I am inclined to pass the following order:-

1. *The impugned order passed by the fourth respondent in Na.Ka.No.4002/A3/2011 dated 21-05-2011 is hereby set aside.*
2. *The second respondent is directed to assess the strength of students for the academic year 2021-2022 and pass fresh order, within a period of eight weeks, from the date of receipt of a copy of this order.*

5.With the above terms, this Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

To

1. The Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St. George,
Chennai-600 009.

2. The Director of School Education,
College Road, Chennai-600 009.

3. The Joint Director of School Education (Vocational),
College Road, Chennai-600 009.



4. The Chief Educational Officer,
Kanyakumari District,
Nagercoil-629 001.

5. The District Educational Officer,
Nagercoil, Kanyakumari District.

+1 CC to M/s.SPL.GP (SR-24402[F] dated 07/06/2022)

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-24368[F] dated 07/06/2022)

W.P. (MD)No.6272 of 2011
and MP(MD)Nos.2 of 2011 & 1 of 2012
Date : 06.06.2022

RD(14.06.2022) 3P 8C