



W.P(MD)No.4291 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4291 of 2019

and

W.M.P.(MD)No.3401 of 2019

Kamaraj Vidyalaya Nursery & Primary School,
Rep. by its Correspondent,
Mrs.Deiva Rathi
Sakthi Vinayagar Kovil Street,
Kumaragiri, Pudukottai,
Thoothukudi District.

... Petitioner

Vs.

1.The Chief Educational Officer,
Thoothukudi, Thoothukudi District.

2.The District Elementary Educational Officer,
Thoothukudi, Thoothukudi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned show cause notice in R.C.No.704/C2/ 2019 dated 05.02.2019 issued by the 1st respondent and quash the same.

For Petitioner : Mr.V.R.Shanmuganathan

For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader



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ORDER

Heard the learned counsel on either side.

2. The first respondent issued show cause notice dated 05.02.2019 calling upon the petitioner to explain as to why they should not be dealt with under Section 18 of RTI Act, 2009 for running the petitioner school without recognition.

3. The learned Additional Government Pleader appearing for the respondents took me through the counter affidavit and contended that the writ petitioner can as well offer his explanation and that challenge at this stage may not be maintainable.

4. The case on hand is linked to the other petitions filed by the petitioner. It is seen that the petitioner is locked in litigation with the department for several years. The petitioner had filed W.P.(MD)No.14043 of 2018 seeking recognition for running the school in question. On 04.07.2018, a learned Judge of this Court in W.M.P.(MD)No.12733 of 2018 had directed the Chief Educational Officer, Thoothukudi to grant temporary permission / recognition to the petitioner school.



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5. The petitioner's counsel would point out that this direction was not complied with and the petitioner had to file contempt petition No.785 of 2019.

I am of the view that it was not open to the first respondent who had suffered an order in W.P.(MD)No.14043 of 2018 to issue show cause notice particularly, when the said writ petition is still pending.

6. I therefore dispose of the writ petition with a direction to the first respondent to keep the proceedings in abeyance and await the outcome of W.P. (MD)No.14043 of 2018 and other connected writ petitions filed by the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

06.12.2022

Index : Yes / No
Internet : Yes/ No
rmi

To

- 1.The Chief Educational Officer,
Thoothukudi, Thoothukudi District.
- 2.The District Elementary Educational Officer,
Thoothukudi, Thoothukudi District.



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G.R.SWAMINATHAN, J.

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