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W.P.No.9754 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.9754 of 2018
and W.M.P.Nos.11678 and 11679 of 2018

Many Manimar

... Petitioner

Vs.

1. Government of Puducherry,
Represented by its Chief Secretary,
Chief Secretariat, Puducherry-1.
 2. The Director,
Lycee Francais de Pondichery,
No.12, Victor Simonel,
Puducherry-1.
 3. The Union of India,
represented by the Secretary,
Ministry of External Affairs,
North Block,
Cabinet Secretariat, Raisina Hill,
New Delhi.
(R3 suo motu impleaded as per order
dated 20.04.2018 in
W.P.Nos.9754 and 9755 of 2018)
 4. The Child Welfare Committee,
represented by its Chairperson,
Ariyankuppam,
Puducherry.
(R4 impleaded as per order
dated 10.09.2018 in W.M.P.No.27641 of 2018)
- ... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the second respondent not to implement the new Calendar and to follow the old calendar, in so far as declaring the schools working scorching sun, in the month of May.

For Petitioner : Mr.Stalin Abimanyu
for Mr.T.R.Udayakumar

For Respondents
R1 and R4 : Dr.B.Ramasamy
AGP, Puducherry

R2 : Mr.Satish Parasaran,
Senior counsel for Mr.Edward James

R3 : Mr.B.Rabu Manohar

ORDER

This writ petition has been filed seeking for issuance of a writ of mandamus to forbear the second respondent from implementing the new Calendar and to follow the old calendar, in so far as declaring the schools working in scorching sun, in the month of May.

2. It is the case of the petitioner that he is the President of Association Des Parents D'Eleves Du Lycee Francais, which is an association which strives for the welfare of both parents and students. Since 1826, the School calendar of Lycee Francais of Pondicherry was largely adapted to its local environment like all other local school which considers



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Indian Customs Weather, Government Regulations etc. However, the second respondent has taken steps to change the calendar and tried to make the students to study in school in the month of May, which will cause heat exhaustion and heat stroke not only to the students but also to the parents who have to travel along with their children. Hence, a representation seeking closure of school during summer was submitted before the fourth respondent on behalf of the association, the fourth respondent vide proceedings dated 16.02.2018, recommended the same to the second respondent. Since, no action in this regard was taken, the present writ petition has been filed seeking the aforesaid relief.

3. Though the petitioner has filed this writ Petition seeking a larger relief, however, at the time of arguments learned counsel for the petitioner restricted his prayer and sought permission of this Court to file an appropriate application before the Governing Body seeking to conduct parents and teachers meeting from the next academic year and on receipt of the same, the Governing Body may be directed to pass appropriate orders within the time frame that may be fixed by this Court.

4. Learned senior counsel appearing for the second respondent



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fairly conceded that if any representation is submitted by the petitioner, the same will be considered and appropriate orders will be passed in the manner known to law. He further submits that, the above said statement is without prejudice to the *locus standi* of the petitioner.

5. On the above contentions heard learned counsel appearing for respondents 1, 3 and 4 and perused the materials placed before this Court.

6. In view of the submission made by the learned senior counsel appearing for the second respondent, without any prejudice to the contention with regard to the *locus standi* of the petitioner, this Court without going into the merits of the case, permits the petitioner to make a representation before the Governing body of the second respondent seeking to conduct parents and teachers meeting within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the Governing body is directed to consider the same and take appropriate decision on merits and in accordance with law and after affording an opportunity of personal hearing to the petitioner as well as the aggrieved persons if any, pass orders within a period of four weeks thereafter.



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7. Accordingly, this writ petition is disposed of. No costs.

Consequently connected miscellaneous petitions are closed.

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RAP

Index : Yes / No

Speaking order : Yes / No

To

1. The Chief Secretary
Government of Puducherry,
Chief Secretariat, Puducherry-1.
2. The Director,
Lycee Francais de Pondichery,
No.12, Victor Simonel,
Puducherry-1.
3. The Secretary,
The Union of India,
Ministry of External Affairs,
North Block,
Cabinet Secretariat, Raisina Rill,
New Delhi.
4. The Chairperson,
The Child Welfare Committee,
Ariyankuppam,
Puducherry.



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M.DHANDAPANI, J.

rap

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