



W.P. No. 11686 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 11686 of 2023

S.Thasaradharaman

... Petitioner

-VS-

1. The Director
Directorate of Matriculation Schools
DPI Campus, College Road
Chennai – 600 006.
2. The District Collector
Cuddalore District
Cuddalore.
3. The Chief Educational Officer
Office of the Chief Educational Officer
Cuddalore District.
4. The District Educational Officer
Office of the District Educational Officer (Private Schools)
Cuddalore District.
5. The Correspondent
Shree Maedha Matriculation High School
No.141, Diversion Road
Saraswathi Nagar
Panruti, Cuddalore District – 607 106.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First to Fourth Respondents to take appropriate action against the Fifth Respondent school based on the representation dated 23.12.2022.



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For Petitioner : Mr. D.Ashokkumar
For Respondents : Mr. K.Karthick Jeganath
Government Advocate (R1 to R4)

ORDER

Heard Mr. D.Ashokkumar, Learned Counsel for the Petitioner and Mr. K.Karthick Jeganath, Learned Government Advocate, who takes notice for the First to Fourth Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. Having regard to the nature of order proposed to be passed in the Writ Petition, which would not cause any prejudice to the Fifth Respondent, notice to him is dispensed with.

3. According to the Petitioner, who claims to belong to Scheduled Caste, he had admitted his son, viz., Srivarma in LKG during the academic year 2018-2019 in the School of the Fifth Respondent against 25% quota reserved for children belonging to disadvantaged groups and weaker sections in terms of relevant provisions of the Right of Children to Free and Compulsory Education Act, 2009. It is complained that corporal punishment has been meted out to the



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said Srivarma studying in Class III in the academic year 2022-2023 by a teacher in the School of the Fifth Respondent for non-payment of school fees despite knowing the bar for such collection from him. In that backdrop, the Petitioner had made a representation dated 23.12.2022 to the First to Fourth Respondents, but as it did not evoke any response, he has filed this Writ Petition.

4. In the memo dated 18.04.2023 filed by Learned Government Advocate appearing for the First to Fourth Respondents, it has been stated as follows:-

“1. It is respectfully submitted that upon the representation dated 23.12.2022 of the Petitioner, the District Educational Officer (Fourth Respondent) vide his proceedings in Na. Ka. No/000511/A2/2022 dated 05.01.2023, had directed the Fifth Respondent School to conduct a counseling with the teachers working there and to impart necessary advise to them and further it was also directed to obtain proper explanation from the teacher concerned and submit a report. It was made clear in the proceedings of the District Educational Officer that imposing any sort of corporal punishment upon the students are illegal.



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2. *It is submitted that on 10.01.2023, the Fifth Respondent School has submitted its report to the District Educational Officer, wherein it was stated that the teachers meeting was conducted on 07.01.2023 at 4.15 p.m. and appropriate counseling was given to all the teachers also specifically insisting that no corporal punishment or unnecessary scolding would be imposed on any students. Along with the said report, the Fifth Respondent School also enclosed a written explanation dated 07.01.2023 of the teacher concerned, wherein the said teacher had denied of indulging in any such act of scolding or beating the student.”*

In view of the aforesaid action taken, nothing remains for further consideration in the Writ Petition, but it would not preclude the Petitioner, if he still has any further grievance, from working out his remedies before the proper forum including filing of a petition before the Tamil Nadu State Commission for Protection of Child Rights established under the Commissions for Protection of Child Rights Act, 2005, for appropriate relief. It is needless to add here that no view has been expressed by this Court on the merits of the controversy involved in the matter.



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In the result, the Writ Petition is disposed on the aforesaid terms. No

costs.

19.04.2023

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Index: Yes/No

Note: (i) Issue order copy by 21.08.2023.

(ii) Registry is directed to send a copy of the entire records in W.P. No. 11686 of 2023 to the Tamil Nadu State Commission for Protection of Child Rights.

To

1. The Director
Directorate of Matriculation Schools
DPI Campus, College Road
Chennai – 600 006.
2. The District Collector
Cuddalore District
Cuddalore.
3. The Chief Educational Officer
Office of the Chief Educational Officer
Cuddalore District.
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Copy to

1. S.Thasaradharaman,
S/o. Subburayaloo,
Murugan Koil Street,
Anguchettipalayam Village,
Panruti Taluk,
Cuddalore District – 607 106.
2. Tamil Nadu State Commission for Protection of Child Rights,
No. 183/1, EVR Periyar Salai,
Poonamallee High Road,
Kilpauk,
Chennai – 600 010.



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P.D. AUDIKESAVALU, J.

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