



W.P.No.13942 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2023

CORAM
THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.13942 of 2023
and
W.M.P.No.16566 of 2023

Ramu Manivannan

...Petitioner

Vs.

1. The Principal Secretary,
School Education Department,
Government of Tamil Nadu,
Secretariat, Chennai-632001.
2. The Commissioner,
Directorate of Elementary Education,
DPI Complex, College Road,
Chennai-600006.
3. The Director,
Directorate of School Education,
DPI Complex, College Road,
Chennai-600006.
4. The District Collector,
A Block, 2nd Floor, Collectorate,
Vellore-632009.
5. The Block Educational Officer,

1/8



W.P.No.13942 of 2023

Kaniyampadi,
Vellore-632102.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus or any other writ, order or direction in the nature of the a Writ of Certiorarified Mandamus to call for the impugned Letter issued by the Respondent No.5 The Block Educational Officer, Kaniyambadi made in Na.Ka.No.250/A3/2022 and quash the same as illegal and directing the School Education Department, Government of Tamil Nadu, to permit the application for permission to run a Tamil medium of Education up to 5th standard for the academic year (2023-2024) at the Garden of Peace School, located in Kurumbupalayam village, Kaniyampadi panchayat, Vellore district, Tamil Nadu.

For Petitioner : M/s.Arun Kasi

For Respondents : Mr.R.Manoharan,
Additional Government Pleader for R1 to R5

ORDER

This Writ Petition has been filed assailing the impugned letter dated 21.06.2022 which came to be issued by the 5th respondent and for a direction to the 5th respondent to consider the petitioner's application seeking permission for conducting Tamil medium education for the academic



W.P.No.13942 of 2023

year 2023-2024 upto class V in the Garden of Peace school which is being run by the petitioner.

2. It is the case of the petitioner that he is running a Garden of Peace School in Kaniyampadi Village, wherein, English medium of Education is being imparted to the under privileged children residing in and around the said Village. The petitioner, with an intention to provide quality education to the marginalised children, had decided to initiate Tamil Medium of Education in the said school upto to class V. In this regard, the petitioner made an application to the 5th respondent along with necessary documents. However, the same was rejected without specifying any valid reason. Challenging the same, the petitioner has come up with this Writ Petition.

3. Learned counsel for the petitioner submits that no reason has been quoted in the impugned order for rejecting the claim of the petitioner for initiating Tamil medium of education in the petitioner's school, which clearly shows that the order impugned has been mechanically passed by the 5th respondent as even no inspection was conducted in the school prior to



passing of the impugned order.

4. Learned Additional Government Pleader appearing for Respondents 1 to 5 submits that the petitioner's application was rejected as the 5th respondent has no jurisdiction to entertain the same and hence, the 5th respondent has rightly rejected the petitioner's application. Further, the competent authority to entertain the application of the petitioner is the District Educational Officer concerned. Without filing an application before the competent authority, challenging the rejection order of the 5th respondent who has no authority to entertain the application of the petitioner is wholly unsustainable. Hence, the order impugned in this Writ Petition cannot be found fault with.

5. This Court gave its anxious consideration to the contentions advanced by the learned counsel appearing on either side and perused the materials available on record.

6. It is evident from the impugned order that the petitioner's



W.P.No.13942 of 2023

WEB COPY

application seeking permission to initiate Tamil medium of Education in the petitioner's School, has been mechanically rejected by the 5th respondent without specifying reason for its rejection. It is only claimed by the learned Additional Government Pleader that the 5th respondent has no jurisdiction to entertain the said application and the competent authority to entertain the same is the District Educational Officer, but such a stand has not been taken by the 5th respondent in the order rejecting the representation of the petitioner.

7. In view of the stand taken by the learned Additional Government Pleader, this Court is of the opinion that the 5th respondent, instead of rejecting the representation, ought to have forwarded the application to the competent authority, and the mechanical rejection of the application without citing any reason, is wholly impermissible.

8. Hence, this Court is inclined to set aside the impugned order dated 21.06.2022 and the same is accordingly, set aside. The 5th respondent is



W.P.No.13942 of 2023

WEB COPY

directed to forward the petitioner's application along the necessary documents submitted by the petitioner to the District Educational Officer, Vellore within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the District Educational Officer, Vellore is directed to consider the application on its own merits and pass appropriate orders in terms of G.O.(Ms).No.151, Education Department dated 09.09.2022 on or before 28.06.2023.

9. This Writ Petition is allowed with the aforesaid direction. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

14.06.2023

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No

NHS

Note to Office:



W.P.No.13942 of 2023

Issue order copy on 15.06.2023

WEB COPY

To

1. The Principal Secretary,
School Education Department,
Government of Tamil Nadu,
Secretariat, Chennai-632001.
2. The Commissioner,
Directorate of Elementary Education,
DPI Complex, College Road,
Chennai-600006.
3. The Director,
Directorate of School Education,
DPI Complex, College Road,
Chennai-600006.
4. The District Collector,
A Block, 2nd Floor, Collectorate,
Vellore-632009.
5. The Block Educational Officer,
Kaniyampadi,
Vellore-632102.
6. The District Educational Officer,
Vellore District.



WEB COPY



W.P.No.13942 of 2023

M.DHANDAPANI, J.

NHS

W.P.No.13942 of 2023

14.06.2023