



W.P.(MD).No.12464 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.05.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.12464 of 2023

The Correspondent,
St. Britto Higher Secondary School,
Gnanaolivupuram - 625 016,
Madurai District.

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St. George,
Chennai-600 009.
- 2.The Commissioner of School Education,
College Road,
Chennai.
- 3.The Chief Educational Officer,
Madurai,
Madurai District.
- 4.The District Educational Officer,
Madurai,
Madurai District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent Chief Educational Officer to pass orders on the proposal submitted by the school dated 27.03.2023 and 10.05.2023 and the same forwarded by the 4th



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respondent District Educational Officer in permitting the petitioner's school to start 50% English Medium section on par with Tamil Medium in view of G.O.Ms.No.148 School Education Department dated 20.07.2018 from the Academic Year 2020-2021.

For Petitioner : M/s.A.Amala

For Respondents : Mr.M.Siddharthan

Additional Government Pleader

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. The petitioner herein had submitted a proposal to the third respondent on 27.03.2023 seeking to permit the petitioner's school to start English Medium on par with Tamil Medium. Since the said proposal was not considered, the present Writ Petition has been filed.

3. It is needless to point out that whenever a proposal of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the proposal by the Statutory Authority would amount to



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dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, there shall be a direction to the respondents 3 and 4 herein to consider the petitioner's proposal dated 27.03.2023 together with the re-submitted proposal dated 10.05.2023, in the light of G.O(Ms)No.148 School Education Department, dated 20.07.2018, on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

25.05.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm



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To

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M.S.RAMESH, J.

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