



W.P(MD)No.4089 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4089 of 2024

and

W.M.P.(MD)No.3957 of 2024

Shanthi Nikethan Higher Secondary School,
Shanthipuram, Ambilikkai,
Oddanchatram Taluk,
Dindigul District,
Rep., by its Correspondent,
Dr.D.Nirmala Jeyaraj

... Petitioner

Vs.

1.The Chief Educational Officer,
O/o. The Chief Educational Office,
Dindigul,
Dindigul District.

2.The District Educational Officer (Elementary Education),
O/o. The District Educational Office,
Palani,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st Respondent to accord permission for English Medium section from class VI to X to the petitioner school in terms of G.O.Ms.No. 148 School Education Department dated 20.07.2018 and in the light of recommendation made by the 2nd Respondent by his proceedings dated 19.07.2023 and consequently to direct the Respondents to permit the 10th standard students to attend the practical and



W.P(MD)No.4089 of 2024

public examination scheduled to be held on 23.02.2024 or any other subsequent date.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

Heard both sides.

2. The writ petitioner is an educational institution. It is receiving aid. The petitioner runs classes upto 12th standard. The issue is whether the petitioner can run the English Medium section from classes 6th to 10th. Admittedly, the petitioner has not obtained prior approval for running the English Medium section. The petitioner has admitted the children and the students studying in the English Medium section of the petitioner school in the 10th standard have to write the practical exam and also the board exam. The practical exam commence on 23.02.2024 and the public exam commence on 26.03.2024. For directing the first respondent to grant such permission, the present writ petition came to be filed.



W.P(MD)No.4089 of 2024

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3. When the matter was taken up for hearing, the learned Additional Government Pleader on instructions stated that considering the interest of the students, it has been decided to permit the students studying in the English Medium section to attend the practical exam and also the board examination for this year alone (2023-2024). It was further insisted that the petitioner must file an affidavit that they will not admit the students for the next academic year without getting such prior approval. The matter was adjourned to enable the petitioner to file an affidavit.

4. The learned counsel for the petitioner submitted that an undertaking affidavit has been filed by the correspondent of the petitioner school. I went through the same. I must remark that it is far from satisfactory and an element of ambiguity is there. When I pointed out this, the learned Additional Government Pleader on instructions states that the petitioner school will not admit any students in the English Medium section for classes 6 to 10 without getting prior approval of the competent authority from the next academic year (2024-2025). This undertaking is recorded.

5. This writ petition is disposed of by directing the respondents to permit the students studying in the English Medium section in 10th standard in the



W.P(MD)No.4089 of 2024

petitioner school to write the practical examination as well as the board examination for the current academic year 2023-2024. The first respondent is directed to pass appropriate order on merits and in accordance with law on the petitioner's application for opening the English Medium section for classes 6 to 10.

6. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

23.02.2024

Index : Yes / No
Internet : Yes/ No
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To

- 1.The Chief Educational Officer,
O/o. The Chief Educational Office,
Dindigul,
Dindigul District.
- 2.The District Educational Officer (Elementary Education),
O/o. The District Educational Office,
Palani,
Dindigul District.



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W.P(MD)No.4089 of 2024

G.R.SWAMINATHAN, J.

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W.P(MD)No.4089 of 2024

23.02.2024