



WP(MD) No.11350 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.05.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.11350 of 2024

K.V.Selvaraj

... Petitioner

Vs.

1.The District Collector,
Theni Post, Theni District.

2.The Director of School Education,
Department of School Education,
College Road,
Chennai-600 006.

3.The Chief Educational Officer,
Theni, Theni District.

4.The District Educational Officer (Secondary Education),
Theni, Theni District.

5.The Headmaster,
Government High School,
Seepalakottai,
Uthamapalayam Taluk,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the respondents 2 to 5 to restore English Medium classes from 6th standard to 10th standard



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from the academic year 2024-2025 in fifth respondent School in consonance with the Right of Children to Free and Compulsory Education Act, 2009 by considering the representations dated 15.09.2023 and 04.10.2023 of the petitioner, within a period that may be stipulated by this Court.

For Petitioner : Mr.K.Ponnaiah

For Respondents : Mr.C.Baskaran

Government Advocate

ORDER

The petitioner has filed this Writ Petition seeking a Writ of Mandamus directing the respondents 2 to 5 to restore English Medium classes from 6th standard to 10th standard from the academic year 2024-2025 in fifth respondent School in consonance with the Right of Children to Free and Compulsory Education Act, 2009 by considering the representations of the petitioner dated 15.09.2023 and 04.10.2023 within the period that may be stipulated by this Court.

2. Heard Mr.K.Ponnaiah learned counsel for the petitioner and Mr.C.Baskaran, learned Government Advocate for the respondents.



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3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. The petitioner herein had given representations to the respondents on 15.09.2023 and 04.10.2023 seeking to restore English Medium classes from 6th to 10th standard in the fifth respondent School. The petitioner has submitted all the relevant particulars along with the above representations in this regard. Since the said representations were not considered by the respondents so far, the present writ petition has been filed.

5. It is needless to point out that whenever a representation 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 representation by the Statutory Authority would amount to dereliction of duty. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through issuance of Writ of Mandamus. As the petitioner has made out a case for invoking the extraordinary



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powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with a direction to consider the representation of the petitioner within a specified time frame.

6. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representations dated 15.09.2023 and 04.10.2023 on its own merits and pass appropriate orders in accordance with law, within a period of one week from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the claim of the petitioner and it is open to the respondents to consider the same on its own merits.

7. With the above direction, the Writ Petition stands **disposed of**. No costs.

22.05.2024

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

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Note: Issue order copy on 23.05.2024



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R.N.MANJULA, J.

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Order made in
W.P.(MD)No.11350 of 2024

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