



W.P.No.4217 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2025

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.No.4217 of 2025
and W.M.P.No.4708 of 2025

Sabir Kizhakkeyil

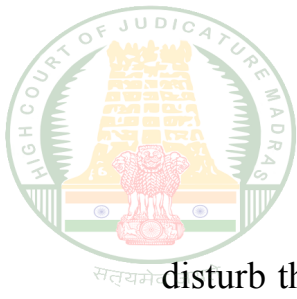
... Petitioner

Vs.

1. The Secretary to Government,
Education Department,
Puducherry.
2. The Regional Administrator,
Mahe,
Puducherry.
3. The Director of School Education,
Education Department,
Puducherry.
4. The Chief Educational Officer,
Mahe,
Puducherry.

... Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, to issue Writ of Certiorarified Mandamus to call for the entire records pertains to order of 4th respondent dated 28.01.2025 made in No.F8-101/EDM/B1/2024-25/38, Mahe and quash the same and further direct the respondents 1 to 4 not to



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disturb the functioning of the Government Lower Primary School, Mahe in the place in exist already at least till completion of this academic year.

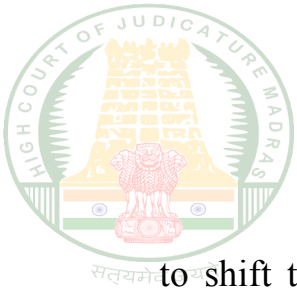
For Petitioner : Mr.A.Gouthaman

For Respondents : Mr.Syed Mustafa
Special Government Pleader

ORDER

This writ petition is filed for a Writ of Certiorarified Mandamus to call for the entire records of the 4th respondent relating to the order dated 28.01.2025, made in No.F8-101/EDM/B1/2024-25/38, Mahe, to quash the same and further direct the respondents 1 to 4 not to disturb the functioning of the Government Lower Primary School, Mahe in the place in which it already exists, at least till completion of the academic year.

2. The petitioner is the President of The Parent Teacher Association of Government Lower Primary School, Mahe. The Government Lower Primary School in Mahe is one of the prestigious Lower Primary Schools in Mahe Town, with a strength of around 250 students. The school is maintained by the Parent Teacher Association. According to the petitioner, he invested substantial money in the improvement of the school. While so, the Government took steps

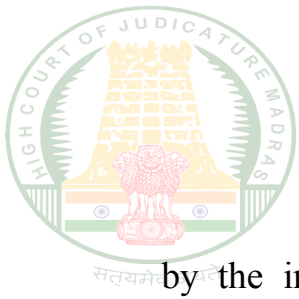


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to shift the Government Lower Primary School, to some other building in a different place without notice to petitioner. The petitioner on enquiry was given to understand that the Government proposed to allot the school premises for starting a nursing college.

3. According to the petitioner, at present the Government Lower Primary School was functioning in its own building with playground and all locational amenities with students from LKG to Vth Standard. The Government to facilitate the shifting of the school took steps to accommodate the students in the Middle School Chali road Mahe. The petitioner states that the shifting would cause inconvenience to the students as there would be no space to conduct school assembly and playground. The petitioner states that as the Government had no intention to hear the objections of the Parent-Teacher Committee, left with no other option, the petitioner filed W.P.No.41 of 2025. This Court directed the 4th respondent to consider the petitioner's representation dated 18.12.2024. As the 4th respondent did not respond to the petitioner's representation, the petitioner issued a contempt notice and after receipt of contempt notice the 4th respondent passed impugned order rejecting the petitioner's request for continuance of the school in existing place. Aggrieved



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by the impugned order the petitioner filed the above writ petition for the aforesaid relief.

4. The 3rd respondent filed a detailed counter denying all the allegations raised by the writ petitioner in the writ petition. The 3rd respondent stated that the Government Lower Primary School Mahe, was shifted to the Government Middle School, Mahe, on 24.12.2024 itself, that the classes commenced in the new premises from 02.01.2025, and that the school was functioning smoothly without any hindrance till date. According to the respondents, the Government Middle School (GMS) Mahe was situate 170 metres away from the GLPS (Government lower primary school) building, in a noise free and traffic free area, at Chally road, Mahe. The respondents stated that there were adequate amenities like playground and the contentions to the contrary were untenable.

5. The respondents further stated that there was a huge demand for Nursing course due to its employment potential. The respondents stated that in the meeting convened by the Regional Administrator, Mahe, it was decided to transfer the building housing the Government Lower Primary School (GLPS), Mahe, to the Health Department, Government of Puducherry for starting the



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Nursing college. It was also decided to shift the GLPS (Government lower primary school), Mahe to GMS (Government Middle school), Mahe since there was sufficient space available for accommodating the school. In the all party meeting convened by the Regional Administrator, Mahe the proposal was discussed and an unanimous consensus was reached. According to the respondents, the Shifting of GLPS, Mahe to GMS, Mahe building, did not affect the students or functioning of the school. The students and the parents were happy as the new place had spacious class rooms, canteen area and a good play ground. The 3rd respondents stated that the school was functioning smoothly for more than two months in the new premises with no complaints from the parents or from any quarter. The 3rd respondents hence prayed that the writ petition deserved to be dismissed.

6. The petitioner filed a rejoinder to the counter and stated that the Puducherry Education Department was implementing regressive educational policies in Mahe, which was evident from the recent merger of GLPS Mahe with GMS Mahe and similar efforts to close other institutions. The petitioner stated that he approached this Court not only for the relocation of the school in its original place, but also to ensure that the school functioned properly. The



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petitioner stated that the shifting of the school building gave rise to serious concerns on its long term viability, especially due to the unfortunate closure of the GLPS Malayalam medium school in Mahe, following a similar merger. The petitioner therefore prayed for quashing the impugned order.

7. Heard both sides and perused the materials available on record.

8. The 4th respondents in the impugned order dated 28.01.2025, noted that the Government Lower Primary School (GLPS), Mahe was situate in an accident prone area in Highway junction of Mahe town, and it was also prone to noise and air pollution. The 4th respondent opined that the shifting of GLPS, Mahe to GMS, Mahe building was more convenient and safe for the students of GLPS , Mahe. According to the 4th respondent the entrance to the school in the original location, was in a turning on the highway which was not safe for the ingress and egress of the student's. According to the 4th respondent, the Government Middle School (GMS) Mahe was situated only 170 meters away from the GLPS building, in a calm and noise free area at Chally road, Mahe, and it had good infrastructural facilities like spacious class rooms, canteen, play ground etc. It is seen that the decision to shift GLPS was taken after an all party



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meeting and in pursuance of an unanimous consensus for shifting. Moreover, the respondent state that the GLPS was shifted two months back and is functioning smoothly without any objections from any quarter. While so, this court exercising jurisdiction under Article 226 of the Constitution will not review the decision of the Government of shifting the school, which admittedly was taken after an unanimous consensus in the all party meeting. Though the learned counsel for the petitioner requested that the decision to shift should be postponed till the end of the academic session, the records reflect that the school was already shifted on 24.12.2024, and is functioning smoothly. Therefore the request of the petitioner's counsel is rejected.

9. In view of the above discussions, I find no merit in the writ petition and hence, the same is dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

01.04.2025

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Index : Yes /No

Speaking Order : Yes/No



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N. MALA, J.

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To

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Education Department, Puducherry.
2. The Regional Administrator,
Mahe, Puducherry.
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