



W.P.(MD)No.16895 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.16895 of 2020

Hindu Elementary School,
Rep. by its Secretary, G.Veluchamy,
Nachiarpuram, Kovilpatti,
Thoothukudi District.

... Petitioner

-VS-

1.The District Educational Officer,
Kovilpatti, Thoothukudi District.

2.The Block Educational Officer-II,
Kovilpatti, Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the second respondent in his proceedings, in Aa.Thi.Mu.1120/A4/2020, dated 27.10.2020, quash the same and direct the first respondent to approve the School Committee proposal dated 22.10.2020.

For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.P.Thambidurai
Government Advocate



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ORDER

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This Writ Petition has been filed challenging the return endorsement made by the second respondent, dated 27.10.2020, wherein the proposal that was placed before the first respondent for approval of the School Committee, was returned back to the petitioner School.

2. Heard the learned counsel appearing on behalf of the petitioner and the learned Government Advocate appearing on behalf of the respondents.

3. The case of the petitioner is that the District Elementary Educational Officer, Thoothukudi, had earlier granted approval for the School Committee on 07.05.2018 for a period of three years from 16.03.2018. At that time, one N.Subbaraj was approved as the Secretary of the School Committee. He was aged about 76 years and he wanted to be relieved from the post of Secretary. Accepting his request, the General Body Meeting was convened and resolution was passed and one G.Veluchamy was nominated as the Secretary of the School.



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4. The School had forwarded the approval to the first respondent and the second respondent had returned back the same with the following endorsement:-

"1.பள்ளி செயலர் திரு.சுப்புராஜ் என்பாரின் பதவிக் காலம் முடிவடையும் முன்பே புதிய செயலர் தேர்ந்தெடுத்ததற்கான காரணம்.

2. முந்தைய செயலரின் தற்போதைய நிலை என்ன என்ற கூடுதல் விபரம் தேவைப்படுகிறது."

5. In the considered view of this Court, it is the first respondent, who has the power and jurisdiction to grant the approval for the School Committee. According to the learned counsel for the petitioner, the then Secretary became aged and he wanted to be relieved from his Secretary post and the entire materials were placed before the first respondent. In spite of the same, the second respondent has returned back the proposal with an endorsement, which is unsustainable.

6. Considering the facts and circumstances of the case, there shall be a direction to the petitioner School to resubmit the proposal before the first respondent. The first respondent on receipt of the same, shall act upon the



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proposal. While forwarding the proposal, the letter of N.Subbaraj shall also be annexed along with the proposal, so that there is more clarity as to why G.Veluchamy had taken charge as the Secretary after the resolution was passed by the General Body. If this clarity is given, there shall be a direction to the first respondent to act upon the proposal and grant the approval. This process shall be completed within a period of four weeks from the date of receipt of a copy of this order.

7. This Writ Petition is allowed with the above directions. No costs.

NCC : Yes/No
Index : Yes/No
smn2

23.11.2023

To

- 1.The District Educational Officer,
Kovilpatti, Thoothukudi District.
- 2.The Block Educational Officer-II,
Kovilpatti, Thoothukudi District.



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N.ANAND VENKATESH, J.

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