



W.P(MD)No.6835 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.6835 of 2018

and

W.M.P(MD)Nos.6562 & 6563 of 2018

PL.Vivekanandan

... Petitioner

Vs

1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai – 600 006.

2.The District Elementary Educational Officer,
O/o.District Elementary Educational Officer,
Sivagangai, Sivagangai District.

3.The Additional Assistant Elementary Educational Officer,
Tirupathur,
Sivagangai District.

4.A.PL.Ramaiah

5.M.R.M.Muthuvalliappan



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6.The School Committee,
V.K.K.Aided Middle School,
Avanipatti, Thiruppathur Range,
Sivagangai District.

7.V.K.K.Aided Middle School,
Represented by its Secretary,
Avanipatti, Thirupathur Taluk,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to impugned proceedings in Na.Ka.No.2470/A3/2004 dated 14.05.2004 of the second respondent herein and the consequential order dated 25.11.2016 of the second respondent herein and quash the same and consequently direct the respondents herein to restore the educational agency in the name of petitioner herein.

For Petitioner : Mr.T.Pon Ramkumar

For Respondents : Mr.M.Mahaboob Athiff (R1 to R3)
counsel for State

: Mr.S.Xavier Rajini (R4 to R7)



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ORDER

The present Writ Petition has been filed challenging the proceedings dated 14.05.2004 issued by the second respondent and the consequential order dated 25.11.2016, with a consequential direction to the respondents to restore the educational agency in the name of the petitioner.

2.The learned counsel appearing for the petitioner submitted that the Vivekanandar Kalvi Kazhagam was established in the year 1932 with the avowed object of establishing and administering a school at Avanipatti, Tiruppathur Taluk, Sivagangai District, by the petitioner's father and the father of the fourth respondent, namely, A.P.L. Palaniappa Chettiar. It is his further submission that, in the year 1953, the petitioner's father transferred the management and correspondentship of the seventh respondent School in favour of his brother, A.Subramanian Chettiar, and the said transfer was approved by the District Educational Officer, Ramanathapuram at Madurai, by proceedings dated 17.12.1953. Thereafter, in the year 1956, A.Subramanian Chettiar transferred the management and correspondentship



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of the School in favour of the petitioner, and the same was approved by the District Educational Officer by proceedings dated 29.02.1956. Subsequently, the School was upgraded as a Middle School. According to the petitioner, he had been managing the affairs of the School continuously from the date of such transfer till the year 2004. The School is an aided institution receiving grant-in-aid from the Government of Tamil Nadu, and the School Committee is governed by the provisions of the Tamil Nadu Educational Code.

3.The learned counsel further submitted that the petitioner is functioning as the President of the Educational Agency and, for administrative convenience, the Educational Agency nominated the Secretary of the School Committee. In the year 1992, the petitioner was appointed as the President of the School Committee, while the fourth respondent was appointed as its Secretary. Their tenure was subsequently extended for a further period of three years from 15.10.1995 to 14.10.1998. According to the petitioner, after the expiry of the said term, the fourth respondent failed to maintain proper accounts in respect of the



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administration of the School and created disputes relating to its management.

It is further alleged that, in the year 2004, the fourth respondent, in collusion with the official respondents, obtained a Village Administrative Officer's certificate and other fabricated documents and, based on the same, secured transfer of the educational agency and School Committee in his favour by proceedings dated 14.05.2004. Thereafter, the educational authorities confirmed the transfer in favour of the fourth respondent by the consequential proceedings dated 25.11.2016. Aggrieved by the said orders, the present Writ Petition has been filed.

4.The learned counsel for the petitioner further contended that, though the fourth respondent is the petitioner's brother, the transfer of the educational agency in favour of the fourth respondent was effected without following the mandatory procedure contemplated under Section 7 of the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973, read with Rule 12 of the Tamil Nadu Recognised Private Schools (Regulation) Rules, 1974. According to him, the transfer was effected solely on the basis of a

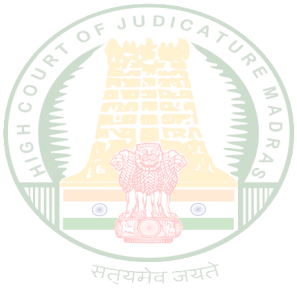


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Village Administrative Officer's certificate and other fabricated documents, without any valid resolution of the Educational Agency or compliance with the statutory requirements. Hence, the impugned proceedings are liable to be set aside.

5.Per contra, the learned counsel appearing for the private respondents submitted that the dispute raised in the present Writ Petition is essentially a civil dispute between the family of the petitioner and that of the fourth respondent with regard to the management and control of the Educational Agency and the School. According to him, the issues raised involve seriously disputed questions of fact relating to title, management, and validity of documents, which cannot be adjudicated in proceedings under Article 226 of the Constitution of India. He further submitted that an effective and efficacious remedy is available before the competent Civil Court under Section 56 of the Tamil Nadu Private Schools (Regulation) Act, 2018. Therefore, the Writ Petition is not maintainable and is liable to be dismissed.



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6.This Court has carefully considered the rival submissions made on either side and perused the materials placed on record.

7.The entire dispute revolves around the validity of the transfer of the educational agency and the management of the seventh respondent School. The petitioner alleges that the fourth respondent obtained recognition of the transfer by relying upon fabricated documents, whereas the fourth respondent disputes the said allegations. The adjudication of these rival claims would necessarily require appreciation of oral and documentary evidence, examination of the genuineness of the documents relied upon by the parties, and determination of several disputed questions of fact. Such an exercise cannot ordinarily be undertaken by this Court in the exercise of its jurisdiction under Article 226 of the Constitution of India.

8.In the considered view of this Court, the petitioner has an effective and efficacious remedy before the competent Civil Court to establish his rights and seek appropriate reliefs. Therefore, this Court is not



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inclined to adjudicate upon the disputed questions of fact involved in the present case.

9. Accordingly, the Writ Petition is dismissed, granting liberty to the petitioner to approach the competent Civil Court and work out his remedies in the manner known to law. It is made clear that this Court has not expressed any opinion on the merits of the rival claims, and all the contentions of the parties are left open to be decided by the competent Civil Court. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

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(1/2)**

NCC : Yes / No
Index : Yes / No
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M.DHANDAPANI, J.

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