

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.8301 of 2013

and

M.P.No.2 of 2013

M.Chandrasekaran

...Petitioner

Vs

1. The Supervisor,
Block Resource Centre,
Sarva Shiksha Abiyan,
Thiruvannainallur Union,
Villupuram District
2. The Head Master and Member Convenor,
Village Education Committee,
Panchayat Union Elementary School,
Anathur, Thiruvannainallur Union,
Villupuram District.
3. K.Balaji

...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the undated letter sent by the 1st respondent to the 2nd respondent canceling the appointment of the petitioner as the Chairperson of the Village Education Committee for the Panchayat Union Elementary School, Anathur Village, Thiruvannainallur Union, Villupuram District and appointing the 3rd respondent for the same post and to quash the same and consequently direct the 1st and 2nd respondent to appoint the petitioner as the Chairperson of the Village Education Committee for the Panchayat Union Elementary school, Anathur Village, Thiruvannainallur Union, Villupuram District as per the resolution passed in the Anathur Panchayat meeting dated 18.06.2012.

For Petitioner : Mr.S.Joel

For Respondents : Mr. V.Jayaprakash Narayanan
Special Government Pleader
for R1 and R2

Mr.Sivasuyambu for R3

O R D E R

Heard Mr.S.Joel, learned counsel appearing for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader for first and second respondents and Mr.Sivasuyambu, learned counsel appearing for the 3rd respondent.

2. The petitioner was appointed as one of the members of the committee, who was formed monitoring Right to Education Rules, 2011. According to the petitioner, he is a elected ward member and by proper resolution dated 18.06.2012, the petitioner was appointed. The grievance of the petitioner is that without following any procedure, the petitioner was removed and the 3rd respondent has been nominated solely on the basis of the letter issued by the local members of the Legislative Assembly. In this regard, the petitioner has sent a legal notice to the respondents 1 and 2. Since no action has been taken, the petitioner has approached this Court.

3. In my view, prior to issuing legal notice, the petitioner should have submitted a representation to the competent authority and thereafter resorted to legal process. However, the petitioner has straight way issued legal notice to the authority.

4. In the light of the fact that the petitioner states that he has been removed without valid resolution, the same has to be enquired into with regard to the procedure that has to be followed while appointing and removal of the member, the petitioner is directed to submit a detailed representation to the 1st respondent along with the copy of this order and the same shall be considered after issuing notice to the petitioner and the 3rd respondent and appropriate orders shall be passed on merits and in accordance with law within a period of two months from the date on which the representation is filed by the petitioner.

With the above observation, this Writ Petition is disposed of.
Consequently connected miscellaneous petition is closed. No costs.

Sd/-
Deputy Registrar (J)

//True Copy//

Sub Assistant Registrar

ssd

To

1. The Supervisor,
Block Resource Centre,
Sarva Shiksha Abiyan,
Thiruvannainallur Union,
Villupuram District
2. The Head Master and Member Convenor,
Village Education Committee,
Panchayat Union Elementary School,
Anathur, Thiruvannainallur Union,
Villupuram District.

1 CC to Mr.Sivasuyambu, Advocate SR.No. 9261

1 CC to Mr. V.Jayaprakash Narayanan, Advocate SR.No. 8871

1 CC to Mr.S.Joel, Advocate SR.No. 8859

W.P.No.8301 of 2013 and
M.P.No.2 of 2013

SKV (CO)
PSI (27.02.2015)

WEB COPY