

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE V.RAMASUBRAMANIAN
and
THE HONOURABLE MR. JUSTICE T. MATHIVANAN

W.A.No.437 of 2013

&

M.P.No.1 of 2013

Mrs.T.J.Manjuladevi
Establisher, Administrator and Principal
(from Inception i.e., from 1978),
Sri Chakravarthy International Matriculation Academy
(A Higher Secondary School)
(Duly Developed by Mrs.T.J.Manjuladevi, in the
Time Expired Lease Land - R.S.No.1356, G.L.R.No.334
Area 3.76 Acres under
St. Thomas Mount Cantonment Jurisdiction
at No.9, G.S.T Road, St.Thomas Mount
Chennai - 600 016 ... Appellant

Vs.

1. The Government of India
Represented by its Secretary
Ministry of Defence, New Delhi - 110 011
2. The Government of Tamil Nadu
Rep by its Secretary
School Education Department
Secretariat, Chennai - 600 009
3. The Director of School Education
College Road, Chennai - 600 006
- 4.The Director of Matriculation Schools
College Road, Chennai - 600 006
- 5.The Inspector of Matriculation Schools
Near Rangaswamy Kulam
DEO Office Upstairs
Chinna Kancheepuram - 631 501
- 6.Sri Chakravarthy International
Matriculation Academy
(A Higher Secondary School)
No.9, GST Road, St. Thomas Mount
Chennai - 600 016

7. Mrs. N. A. Seethalakshmi
8. The Deputy Inspector General of Police
Crime Branch, C.I.D.,
Chennai - 600 002
9. The Government of Tamil Nadu
represented by its Secretary
Revenue Department
Secretariat, Chennai - 600 009
10. The District Collector
Kancheepuram - 631 501
11. Dr (Mrs) Y. G. Parthasarathy
Dean and Director
Padma Seshadri Bala Bhavan
Senior Secondary School
(Affiliated to the Central Board of
Secondary Education, New Delhi)
No. 29, Alagirisami Salai
K. K. Nagar, Chennai - 600 078
12. Learning Leadership Foundation
(A Public Charitable Trust)
C/o. Padma Seshadri Bala Bhavan Senior Secondary School
(Affiliated to the Central Board of Secondary
Education, New Delhi)
Central Administrative Office
No. 16 and 17, Thirumalaipillai Road
T. Nagar, Chennai - 600 017.
13. The Secretary
Central Board of Secondary Education
No. 2, Community Centre
Preet Vihar
Delhi - 110 092
14. The Government of Tamil Nadu
Represented by its Chief Secretary
Secretariat
Chennai - 600 009
15. The Director
Central Bureau of Investigation
C.G.O Complex
Lodhi Road
New Delhi - 110 003
16. Mrs. B. Gajalakshmi
17. Mr. K. Palanichamy
- ... Respondents

Writ Appeal filed under Clause 15 of Letter Patent to set aside the order dated 19.11.2012 in W.P.No.41241 of 2006.

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the records of the fourth respondents order made in Na.Ka.No.1509/E6/2004 dated 18.08.2006 and quash the same and direct the fourth respondent to conduct the fresh enquiry in consultation with the second and third respondents also, in accordance with law, based on the documents submitted to the second respondent by the petitioner in her representation dated 28.07.2006, within the stipulated period of time.

For Appellant : Dr.C.Panneerselvam

For Respondents : Ms.R.Meenakshi R1 and R3

Mr.R.Ravichandran
Addl. Govt. Pleader
for R2 to R5, R8 to R10 & R14

Mrs.Selvi George for R6 & R7

Mr.K.Prahalad Bhat
for Mrs.Satish Parasaran for R11 & 12

JUDGMENT

(Judgment was delivered by V.RAMASUBRAMANIAN,J)

This writ appeal arises out of an order passed by the learned Judge dismissing the writ petition filed by the appellant challenging an order of the Director of Matriculation Schools dated 18.08.2006.

2. Heard Dr.C.Panneerselvam, learned counsel for the appellant, Mr.R.Ravichandran, learned Additional Government Pleader for respondents 2 to 5, 8 to 10 and 14, Mrs.Selvi George, learned counsel for respondents 6 and 7 and Mr.K.Prahalad Bhat, learned counsel for respondents 11 and 12.

3. The case of the appellant has a chequered history. It flows as follows:

- a) that the appellant established a school and ab initio became the Principal of a school in 1978;
- b) that she was placed under suspension by a few persons claiming to be in management of the school on 22.01.1992;
- c) that after the issue of the show-cause notice dated 06.05.1992, an order of termination dated 23.09.1992 was slapped on her;
- d) that the said order of termination was set aside by the Director of Matriculation Schools by an order dated 21.04.1994 on the ground of violation of principles of natural justice;

- e) that on the ground that the said order of the Director was not implemented, the appellant came up with a writ petition in W.P.No.19495 of 1994;
- f) that the said writ petition was allowed by a learned Judge by an order dated 23.09.1996 directing the respondents therein to implement the order of the Director dated 21.04.1994;
- g) that thereafter, a fresh enquiry was initiated on 16.11.1996, pursuant to which an order of dismissal was slapped once again on 26.11.1996;
- h) that the said second order of dismissal dated 26.11.1996 was challenged by the appellant in W.P.No.17346 of 1997;
- i) that the said writ petition was allowed by a learned Judge by an order dated 20.04.2000, directing the reinstatement of the appellant into service;
- j) that the management filed an appeal against the said order in W.A.No.1087 of 2000;
- k) that the said writ appeal W.A.No.1087 of 2000 was taken up by a Division Bench along with another writ petition filed by the appellant herein in W.P.No.13463 of 2005 wherein the appellant had prayed for a writ of prohibition to prevent the original respondents from claiming any affiliation or approval for a new school sought to be established in the same premises;
- l) that the writ appeal and the writ petition were disposed of by the Division Bench by a common order dated 21.11.2008;
- m) that by the said order, the Division Bench directed the reinstatement of the appellant with liberty to the management to proceed afresh with the enquiry;
- n) that however the prayer made in the writ petition was rejected by the Division Bench;
- o) that as against the order of the Division Bench in W.A.No.1087 of 2000 and W.P.No.13463 of 2005, the appellant filed review applications in R.A.Nos.5 and 19 of 2009;
- p) that these review applications were dismissed by a Division Bench by an order dated 17.09.2009;
- q) that in the meantime, the appellant made a claim that she was the educational agency of the school and that no other person should be recognized as such;
- r) that after making such a representation, the appellant also came up with a writ petition in W.P.No.16613 of 2005;
- s) that this Court disposed of the said writ petition directing the Director of Matriculation Schools to pass orders on her claim to the Educational Agency;
- t) that by an order dated 18.08.2006, the Director of Matriculation Schools rejected the claim of the appellant to be the Educational Agency;
- u) that the said order of the Director of Matriculation Schools dated 18.08.2006 came to be challenged by the appellant in a writ petition W.P.No.41241 of 2006;
- v) that the said writ petition was dismissed by a learned Judge by an order dated 19.11.2012; and
- w) that it is against the said order the appellant has come up with the above appeal.

actually span over a period of more than two decades that the original prayer with which the appellant came up before this Court 20 years ago was to set aside the order of dismissal from service. The appellant has succeeded in a long-drawn battle from 1994 upto 2008. In all these proceedings where the appellant had succeeded, the appellant projected only the case of her dismissal from service. But, it was only from 2006 that a claim was made by her to be part of the Educational Agency. Therefore, the Director of Matriculation Schools rightly rejected her claim by the order dated 18.08.2006. This is why the learned Judge rejected the writ petition on the ground that the stand taken by the appellant was contrary to the earlier stand.

5. The appellant ought to have raised an issue at the earliest point of time that what she was seeking is not reinstatement into the position of Principal, but what she was seeking is only a claim for management. The appellant did not seek to do that.

6. Moreover, there is one more thing. It appears that the appellant filed a writ petition in W.P.No.35396 of 2003, seeking a direction to the Director of Matriculation Schools to decide her claim. The writ petition was disposed of with a limited direction. Thereafter a writ appeal came to be filed in W.A.No.1809 of 2004. In the said writ appeal, the very same claim came to be made. But, these facts were also not indicated in the writ petition out of which the present writ appeal arises.

7. As a matter of fact, the learned Judge has taken note of the filing of the said writ petition W.P.No.35396 of 2003 and the order passed in the writ appeal W.A.No.1809 of 2004, in paragraph 7 of the order passed in the writ petition out of which the appeal arises. Therefore, we actually find no justification to interfere with the order of the learned Judge.

Hence, the writ appeal is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

gpa

To

1. The Secretary
Government of India
Ministry of Defence
New Delhi - 110 011
2. The Secretary
The Government of Tamil Nadu
School Education Department
Secretariat
Chennai - 600 009
3. The Director of School Education
College Road
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4. The Director of Matriculation Schools
College Road
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5. The Inspector of Matriculation Schools
Near Rangaswamy Kulam
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6. The Deputy Inspector General of Police
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No.29, Alagirisami Salai
K.K.Nagar, Chennai - 600 078
10. The Secretary
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Preet Vihar, Delhi - 110 092

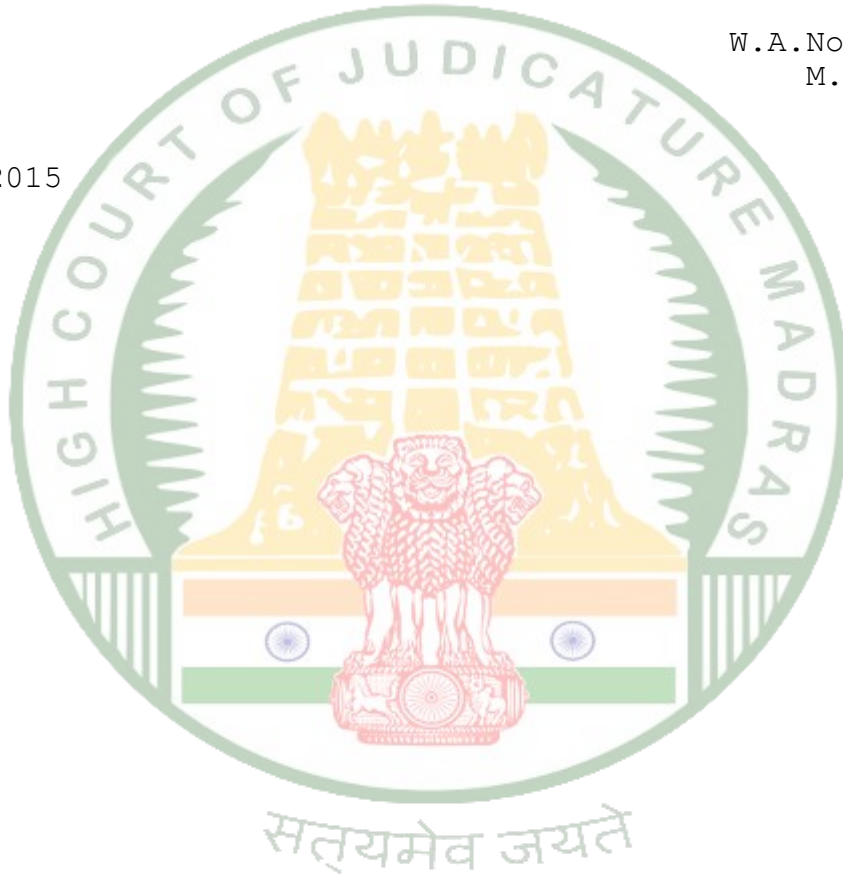
11.The Chief Secretary
The Government of Tamil Nadu
Secretariat, Chennai - 600 009

12. The Director
Central Bureau of Investigation
C.G.O Complex
Lodhi Road, New Delhi - 110 003.

3 cc to Dr.C.Panneerselvam , Advocate Sr.No.29610
1 cc to Mr.Satish Parasaran , Advocate Sr.No.29789
1 cc to Government Pleader.Sr.No.29769/15

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M.P.No.1 of 2013

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