

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2016

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. No.1451 of 2016

Thiru.Vi.Ka.Higher Secondary School,
No.38/39, Main Road,
Shenoy Nagar, Chennai - 600 030.
Rep.by its Secretary,
Dr.B.S.Tiruvadanam
S/o.Dr.B.M.Sundaravadanan

... Petitioner

Vs.

1. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
2. The Chief Educational Officer,
Panagal Building,
Saidapet, Chennai - 600 015.
3. The District Educational Officer,
Chennai [North], Egmore,
Chennai - 600 008.

... Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to pass appropriate orders on the proposal forwarded by the petitioner school in Ref.No.Re.No.123/RR/2014 dated 08.01.2015 under Section 22[1] of Tamil Nadu Recognized Private Schools [Regulation] Act, 1973.

For Petitioner : Mr.G.Sankaran

For Respondents : M/s.M.E.Raniselvam
Additional Government Pleader

O R D E R

By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

2.The case of the petitioner is that the petitioner School was established in the year 1955 and it is an aided school receiving grant-in-aid from the State Government. The petitioner school issued a charge memo dated 20.04.2014 to one R.Rajendran, who is working as PG Assistant [Commerce], since he has committed serious delinquency of assaulting the Assistant Headmaster and instigating the students to damage the school properties and other irregularities. Pursuant to the charge memo, an Enquiry Officer was appointed and as per his report, the School Committee has taken a decision to terminate the petitioner from service.

3.The petitioner would submit that as per Section 22 of Tamil Nadu Recognized Private Schools [Regulation] Act, 1973 and Rule 7[1] of Tamil Nadu Recognized Private Schools [Regulation] Rules, 1974, the School Committee has forwarded the proposal to the first respondent for his approval as per the proceedings dated 08.01.2015. Since no order has been passed by the second respondent, the present Writ Petition has been filed by the petitioner.

4.Heard the submissions of Mr.G.Sankaran, learned counsel appearing for the petitioner and M/s.M.E.Raniselvam, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

5.This Court, taking into consideration the above facts and circumstances and without going into the merits of the same, directs the second respondent to consider the proposal sent by the petitioner dated 08.01.2015 and pass orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

6.The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sri

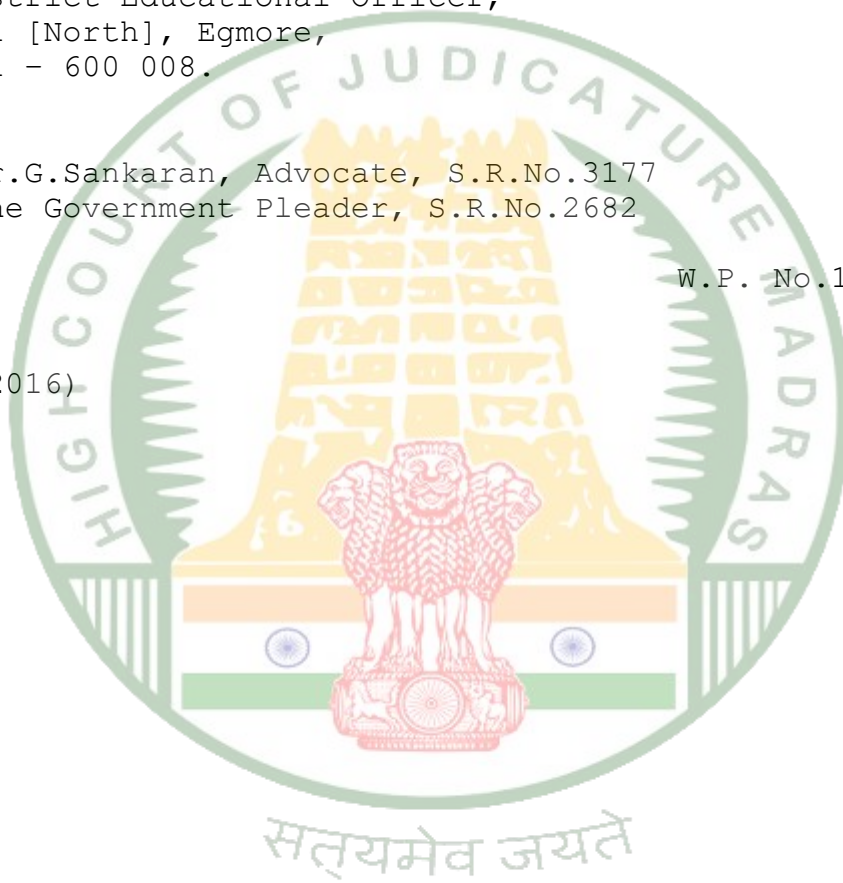
To

1. The Director of School Education,
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2. The Chief Educational Officer,
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3. The District Educational Officer,
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+1cc to Mr.G.Sankaran, Advocate, S.R.No.3177
+1cc to the Government Pleader, S.R.No.2682

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SKV(CO)
CA(08/02/2016)



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