



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

Writ Petition (MD). No.10670 of 2016

B.Saraswathi Amma

...Petitioner

Vs.

1.The Chief Educational Officer,
O/o. The Chief Educational Office,
Nagercoil,
Kanyakumari District.

2.The District Educational Officer,
O/o.The District Educational Office,
Kuzhithurai,
Kanyakumari District.

...Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 04.06.2016 seeking to approve the petitioner as Correspondent in the light of the revocation deed dated 20.05.2016 within the period that may be stipulated by this Honourable Court.

For Petitioner :Mr.Ajmal Khan, Sr. Counsel
for M/s.Ajmal Associates

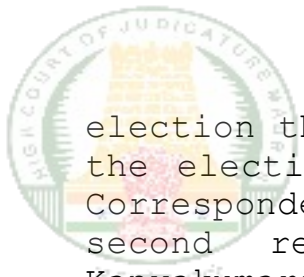
For Respondent :Mr.V.Muruganandham,
AGP for RR-1 & 2

O R D E R

Heard both sides.

2. By consent, the main writ petition itself is taken up for final disposal.

3. According to the petitioner, the Aided Higher Secondary School, Arumanai is an individual Management School run by her late husband Mr.T.Sekhara Pillai. Soon after his death, she has been functioning as Correspondent cum Manager of the school since 2002. While that being the factual situation, with a view to start some other educational institutions, she executed and registered a Trust Deed on 19.12.2006 in the name and style of 'T.Sekhara Pillai Memorial Educational and Cultural Development Trust'. However, the Trust Deed had not come into effect and nothing was done, on the basis of the said trust deed. Subsequently, she registered a supplemental trust deed on 23.01.2012 amending the original trust deed with regard to the date of coming into force of that trust deed, as after her death. Therefore, the Trust Deed would come into effect only after her death. However, her son Mr.Jeyasreekumar claimed that the



election that took place in the trust on 16.08.2013 and he won in the election. On the basis of the same, he declared himself as Correspondent of the school and the same was approved by the second respondent/District Educational Officer, Kuzhithurai, Kanyakumari District by proceedings dated 07.08.2015.

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4. It comes to be known that the petitioner filed W.P. (MD).No.14303 of 2015 on the file of this Court and the same is pending. Furthermore, due to the illegal action of her son, money disputes arose in the school leading to the filing of enormous writ petitions and writ appeals and also suits.

5. The case of the petitioner is that she cancelled the Trust Deed by means of a 'Revocation Deed' dated 20.05.2016 and the same was registered as Document No.20 of 2016 on the file of the Arumanai Sub-Registrar Office. Consequent to the cancellation of trust deed, she filed a representation dated 04.06.2016 before the respondents and till date, the said representation is pending and the same is not yet disposed of.

6. In view of the fact that the petitioner's representation dated 04.06.2016 is pending as on date (without any progress or disposal), this Court, at this stage, in the interest of Justice and Fair Play, directs the second respondent/ District Educational Officer, Kuzhithurai, Kanyakumari District to take up the representation of the petitioner dated 04.06.2016 within a period of one week from the date of receipt of a copy of this order. Thereafter, the second respondent is directed to dispose of the said representation of the petitioner, dated 04.06.2016, within a period of four weeks, by passing a speaking order on merits, after affording necessary opportunity to the petitioner and others concerned, by adhering to the principles of Natural Justice. The petitioner is required to co-operate with the second respondent in regard to the disposal of the representation dated 04.06.2016.

7. With the aforesaid observations and directions, the writ petition stand disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1.The Chief Educational Officer,
O/o. The Chief Educational Office,
Nagercoil,
Kanyakumari District.



2.The District Educational Officer,
O/o.The District Educational Office,
Kuzhithurai,
Kanyakumari District.

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+1cc to M/s.Ajmal Associates in SR.31054

+1cc to the Special Government Pleader, in SR.31164

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vs

PBK/GSV-PM/SAR-I 20/06/2016 ::3P-5C::