



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2016

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO

and

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Writ Petition (MD) No.12607 of 2016

and

W.M.P (MD) Nos.9525 to 9527 of 2016

B.Santhanam Rajeshkumar

... Petitioner

Vs.

- 1.The Director School Education,
DPI Complex, College Road,
Chennai 600 006.
- 2.The Joint Director of School Education,
DPI Complex, College Road,
Chennai 600 006.
- 3.The Chief Educational Officer,
Opposite of Tallakulam Post Office,
Madurai 625 002.
- 4.The District Educational Officer,
Melur, Madurai District.
- 5.The District Collector,
Madurai District, Madurai.
- 6.The Manager,
Danbasco Provincial House
Trichy State Office,
Kalkulli, Trichy 625 020.
- 7.The Correspondent,
Danbasco Higher Secondary School,
K.Pudur, Madurai 625 007.
- 8.The Headmaster,
Danbasco Higher Secondary School,
Sooriya Nagar,
Madurai.
- 9.The Commissioner of Police,
Madurai City, Madurai.



10.The Inspector of Police,
K.Pudur Police Station,
Madurai 625 007.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 6 to remove the 8th Respondent who is working as a Headmaster for the violation of Tamil Nadu Recognized Private School (Regulation) Act 1973 and the Tamil Nadu Recognized Private School Rules (Regulation) 1974 and direct the 8th Respondent not to issue any donation receipt book to the students to collect money from the Public and also direct the 9th and 10th Respondents to investigate with the offences arising out of the violation for prosecuting the 8th respondent in accordance with law and on the basis of the petitioner's representation dated 05.07.2016.

For Petitioner : Mr.E.Somasundaram
For Respondents 1-5,9&10 : Mr.V.R.Shanmuganathan,
Special Government Pleader.

ORDER

(Order of the Court was made by **NOOTY.RAMAMOHANA RAO,J**)

This writ petition is instituted by one Shri.B.Santhanam Rajeshkumar, a practising Advocate seeking the following relief:-

"Writ of Mandamus, directing the respondents 1 to 6 to remove the 8th Respondent who is working as a Headmaster for the violation of Tamil Nadu Recognized Private School (Regulation) Act 1973 and the Tamil Nadu Recognized Private School Rules (Regulation) 1974 and direct the 8th Respondent not to issue any donation receipt book to the students to collect money from the Public and also direct the 9th and 10th Respondents to investigate with the offences arising out of the violation for prosecuting the 8th respondent in accordance with law and on the basis of the petitioner's representation dated 05.07.2016."

2.In the affidavit filed in support of this writ petition various allegations have been levelled against the individual who is holding the office of the Headmaster of a private minority educational institution but unfortunately he has not been arrayed as one among the ten respondents.

3.It is a fundamental rule of law that an opportunity of hearing should be accorded to the individual against whom serious allegations and violations of law are attributed. He must be given an opportunity to defend himself and explain his cause and in the absence of the individual being impleaded as party respondent, such an opportunity is effectively shut out. For

want of proper and necessary parties, a *lis* can be dismissed. As the present writ petition is instituted by a practising lawyer, more than anyone else, it is he who is expected to be aware of this fundamental principle of law. Therefore, for want of proper and necessary parties, the writ petition stands dismissed, but however, without costs. Consequently, W.M.P(MD)Nos.9525 to 9527 of 2016 are closed.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

- 1.The Director School Education,
DPI Complex, College Road, Chennai 600 006.
- 2.The Joint Director of School Education,
DPI Complex, College Road, Chennai 600 006.
- 3.The Chief Educational Officer,
Opposite of Tallakulam Post Office, Madurai 625 002.
- 4.The District Educational Officer, Melur, Madurai District.
- 5.The District Collector, Madurai District, Madurai.
- 6.The Commissioner of Police, Madurai City, Madurai.
- 7.The Inspector of Police, K.Pudur Police Station, Madurai 625 007.

+1 cc to M/s.E.Somasundaram, Advocate in SR.No.37551
+1 cc to The Special Government Pleader in SR.No. 38209

sm

CSL/KBM/SAR-I/28.07.2016 : 3p/10c

Writ Petition (MD) No.12607 of 2016
and W.M.P(MD)Nos.9525 to 9527 of 2016
19.07.2016