



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 03.08.2016

WEB COPY

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P(MD)No.13592 of 2016

Mukkulathore Higher Secondary School,
represented by its Secretary,
Thiruverumbur,
Trichy - 620 013.

..Petitioner

Vs

1.The Director of School Education,
D.P.I.Campus, College Road,
Chennai - 600 006.

2.The Chief Educational Officer,
Trichy.

3.The District Educational Officer,
Trichy.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the third respondent to pass orders on the proposal submitted by the Petitioner on 19.07.2013 for approval of the School Committee within the time frame fixed by this Court.

For Petitioner :Mrs.Hema Sampath
Senior Counsel
for M/s.R.Subramanian

For Respondents :Mr.V.Muruganandam
Addl.Govt.Pleader

ORDER

Heard both sides.

2.By consent of both sides, the main Writ Petition itself is taken up for final disposal.

3.No counter is filed on behalf of the Respondents 1 to 3.

<https://hcservices.ecourts.gov.in/hcservices/>

4.According to the Petitioner/School, it is having permanent



recognition in respect of the standards 6th to 10th and the Petitioner/School is getting periodical approval for Higher Secondary Course. Furthermore, the Educational Agency is periodically selecting School Committee Members and the same is being approved by the Third Respondent/The District Educational Officer, Tiruchirappalli. In fact, the Third Respondent had approved the School Committee as per order, dated 12.01.2012 for three years w.e.f.19.9.2011.

5.The stand of the Petitioner is that on 1.7.2013 the Educational Agency has selected the School Committee and by means of letter, dated 19.7.2013, the same was forwarded to the Third Respondent for approval. In reality, the Petitioner/School sent a reminder on 20.3.2014 and 16.6.2015. The further grievance of the Petitioner/School is that no order is passed in the subject-matter in issue. Resultantly, the Third Respondent has not approved the promotions of Teacher and keeping other proposals of the Petitioner/School as pending. Under these circumstances, the Petitioner has filed the present Writ Petition before this Court.

6.At this stage, the Learned Senior Counsel for the Petitioner contends that the Third Respondent ought to have seen that the proposal for the approval of the School Committee was sent as early as on 19.7.2013 and the same is kept pending for the past three years. Furthermore, it is represented on behalf of the Petitioner/School that the Third Respondent is duty bound to pass orders on the proposal submitted by the Petitioner/School, seeking necessary approval.

7.Yet another plea taken on behalf of the Petitioner is that the Third Respondent should have seen that the Petitioner/School had issued a reminder on 20.3.2014 and 16.6.2015 respectively. At this stage, the Learned Senior Counsel for the Petitioner brings it to the notice of this Court that the Third Respondent have seen that earlier the Educational Agency has filed C.R.P.No.2322 of 2013 against the order passed in the statutory appeal, challenging the order removing the society's name in the register for not filing the Annual Returns. In fact, this Court had granted an order of stay in CR.P.No.2322 of 2013. Apart from that in W.P(MD)No.19296 of 2013, this Court had stayed the issue relating to the Direct Payment Order. Finally, it is the stand of the Petitioner/School that the Third Respondent is duty bound to pass orders on the proposal submitted by the Petitioner/School.

8.On a careful consideration of the contentions advanced on behalf of the Petitioner/School and also this Court taking note of the Petitioner/School's proposal submitted on 19.7.2013 seeking approval of the School Committee is pending till this day(notwithstanding the fact two reminders were issued on



20.3.2014 and 16.6.2015 respectively), this Court, at this stage in the interest of justice, fair play and equity, directs the Third Respondent /The District Educational Officer, Tiruchirappalli to look into the proposal submitted by the Petitioner, dated 19.7.2013, seeking for approval of the School committee, within a period of one week from the date of receipt of a copy of this order and thereafter, the Third Respondent is to pass a reasoned speaking order, on merits in the subject-matter in issue in a free, fair, open and unbiased mind and that too, in a dispassionate manner (of course after providing necessary opportunity to the Petitioner and others concerned, if any by adhering to the principles of natural justice in true letter and spirit) within a period of three weeks thereafter. It is open to the Petitioner to produce copies of all necessary/relevant documents before the Third Respondent and the Third Respondent in-turn shall take into consideration of the same at the time of disposal of the proposal sent by the Petitioner, dated 19.7.2013. The Petitioner is directed to lend his assistance and co-operation to the Third Respondent, in disposing of its proposal, dated 19.7.2013 within the time adumbrated by this Court.

9. With the aforesaid observation(s) and direction(s), the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Director of School Education,
D.P.I. Campus, College Road, Chennai - 600 006.

2. The Chief Educational Officer, Trichy.

3. The District Educational Officer, Trichy.

+1cc to Mr. R. SUBRAMANIAN, Advocate Sr.No. 41790

+1cc to Spl. Government Pleader Sr.No. 41866

VSN

AA/DB/10.08.2016/3p-6c

W.P (MD) No. 13592 of 2016
03.08.2016