



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:20/10/2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition(MD)Nos.1671/2016, 20629 of 2015, 17231 of 2015,  
22939 of 2015 and 19842 of 2016

and

WMP (MD) NNo.4906,1428 & 10637 of 2016, 14327, 14328/2016

and

M.P(MD)No.2 of 2015

W.P(MD)No.1671 of 2016

1.C.Vaithiyalingam

S/o.Chidambara Nadar,  
President,  
Ariyanayagipuram Hindu Nadar  
Uravinmurai Committee Uyar  
Thuvakkapalli (Reg.No.13/64)  
Ariyanayagipuram,  
Kadayanallur Taluk,  
Tirunelveli District.

2.C.Muthiah,

S/o.Sivasubbu Nadar,  
Secretary,  
Ariyanayagipuram Hindu Nadar  
Uravinmurai Committee Uyar  
Thuvakkapalli (Reg.No.13/64)  
Ariyanayagipuram,  
Kadayanallur Taluk,  
Tirunelveli District.

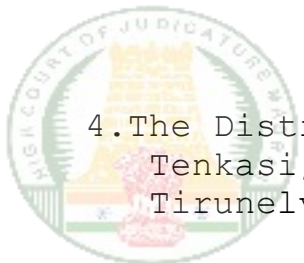
... Petitioners

Vs.

1.The Director of School Education,  
DPI Campus, College Road,  
Chennai- 600 006.

2.The District Educational Officer,  
Tirunelveli District,  
Tirunelveli.

3.The District Elementary Educational Officer,  
Tirunelveli District,



4.The District Registrar,  
Tenkasi,  
Tirunelveli District.

5.M.Mahendran

6.A.Palanisamy Nadar

7.S.S.Arumugasamy Nadar,

8.C.Kadarkaraisamy

... Respondents

(R5 to 8 are impleaded vide Court  
Order dated 02.08.2016)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records of the impugned order passed by the second respondent herein in his proceedings in O.Mu.NO.5868/A5/2014, dated 14.01.2016 and quash the same as illegal.

|                |                           |
|----------------|---------------------------|
| For Petitioner | : Mr.V.Meenakshisundaram  |
| For R1 to R4   | : Mr.R.Anandharaj         |
|                | Govt. Advocate            |
| For R5 to R8   | : Mr.T.Cibi Chakaraborthy |

W.P(MD)No.20629 of 2015

C.Vaithiyalingam  
S/o.Chidambara Nadar,  
President,  
Ariyanayagipuram Hindu Nadar  
Uravinmurai Committee Uyar  
Thuvakkapalli (Reg.No.13/64)  
Ariyanayagipuram,  
Kadayanallur Taluk,  
Tirunelveli District.

... Petitioner

Vs.

1.The Inspector General of Registration,  
Chennai-28.

2.The District Registrar,  
Tenkasi,  
Tirunelveli District.

3.S.S.Arumugasamy  
(R3 is impleaded vide Court order  
dated 30.11.2015)

... Respondents

<https://hccasecourts.gov.in/services> Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned

(Reg.No.1

For R3 : Mr.T.Lajapathi Roy

S.S.Arumugachamy

 $V_S.$ 

- ... Respondents

<https://hcservices.expos.gov/htcservices/>



WEB COPY

4

For Petitioner : Mr.T.Lajapathi Roy  
For R1 & R2 : Mr.R.Anandharaj  
Govt. Advocate  
For R3 & R4 : Mr.V.Meenakshisundaram

W.P(MD)No.22939 of 2015

S.Subramanian

... Petitioner

Vs.

1.The State of Tamilnadu,  
Rep. By its Principal Secretary to Government,  
School Education Department,  
Secretariat, Fort St. George,  
Chennai- 600 009.

2.The Director of School Education,  
DPI Campus, College Road,  
Chennai- 600 006.

3.The District Educational Officer,  
Tirunelveli District,  
Tirunelveli.

4.The District Elementary Educational Officer,  
Tirunelveli District,  
Tirunelveli.

5.The District Registrar,  
Tenkasi,  
Tirunelveli District.

6.C.Vaithiyalingam

7.C.Muthiah

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the third respondent in Na.Ka.No.5868/A5/2014, dated 02.11.2015 and to quash the same and consequently direct the third respondent to pass appropriate orders on proper verification with reference to acceptance of Form VII by District Registrar, Tenkasi, relating to Ariyanayagipuram Village, Madurai Taluk, Madurai District.



WEB COPY

5

For Petitioner : Mr.F.Deepak  
For R1 to 5 : Mr.R.Anandharaj  
Govt. Advocate  
For R6 & R7 : Mr.V.Meenakshisundaram

W.P(MD)No.19842 of 2016

M.Mahendran

... Petitioner

Vs.

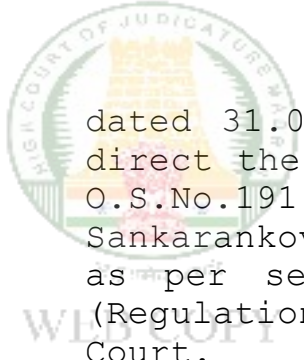
- 1.The Principal Secretary to Government,  
School Education Department,  
Secretariat, Fort St. George,  
Chennai- 600 009.
- 2.The Director of School Education,  
DPI Campus, College Road,  
Chennai-600 006.
- 3.The Joint Director of School Education (Higher Secondary)  
DPI Campus, College Road,  
Chennai- 600 006.
- 4.The District Educational Officer,  
Tirunelveli District,  
Tirunelveli.
- 5.The District Elementary Educational Officer,  
Tirunelveli District.  
Tirunelveli.
- 6.The District Registrar,  
Tenkasi,  
Tirunelveli District.
- 7.The Special Officer,  
Hindu Nadar Uravin Murai Committee Higher Secondary School,  
Ariyanayagipuram,  
Sankarankovil,  
Tirunelveli District.

8.C.Vaithiyalingam

9.C.Muthiah

... Respondents 1 to 9

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari Mandamus calling for record pertaining to Impugned Order passed by the Respondent No.4 in Na.Ka.No.5868/A5/2014,



dated 31.08.2016 and quash the same as illegal and consequently direct the respondents to await the disposal of the Civil Suit in O.S.No.191 of 2012, on the file of the District Munsif Court, Sankarankovil for the Approval of constitution of school committee as per section 53(A) of Tamil Nadu Recognized Private School (Regulation) Act, 1973 within the time to be stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy  
For R1 to 6 : Mr.R.Anandharaj  
Govt. Advocate

#### COMMON ORDER

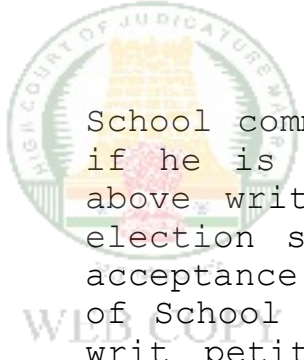
The issue involved in all the cases are one and the same, therefore common order is passed.

2.The writ petition in W.P(MD).No.17231 of 2015 is filed to forbear the second respondent from passing any order on the application of the third respondent for approval of their Form VII application based on the election said to have conducted on 05.04.2015 without hearing the petitioner.

3.W.P(MD)No.20629 of 2015 order passed by the District Registrar, dated 03.11.2015 keeping the Form VII pending on the ground that civil suit is pending between the parties, the petitioner claiming to be the President of the School Committee, filed the above writ petition.

4.W.P(MD)No.22939 of 2015 is filed by one Subramanian challenging the approval granted to the School Committee based on the election said to have been conducted on 05.04.2015 by the District Educational Officer, Tirunelveli. Pending the writ petition, the authorities revoked the approval granted to the School Committee by an order, dated 14.01.2016, challenging that order, the petitioner filed a writ petition in W.P(MD)No.1671 of 2016 and the said order is stayed by this Court. Now once again, the Registrar approved the Form VII on 18.08.2016, based on the election said to have conducted on 05.04.2015. Based on the approval of the Form VII, dated 18.08.2016, the District Educational Officer approved the school committee on 31.08.2016. Challenging the above said order, W.P(MD)No.19842 of 2016 has been filed.

5.The contention of the learned counsel for the petitioner in W.P(MD)No.19842 of 2016 is that the Form VII is not genuine and the petitioner is doubting the genuineness of the approval granted by the District Registrar. Since the veracity of the approval of Form-VII cannot be challenged under Article 226 of the Constitution of India. If at all the petitioner is having any grievance, necessarily he has to file a civil suit. Since the appeal remedy is also available against the order approving the



School committee, the petitioner is at liberty to file an appeal, if he is so advised. In the above circumstances since all the above writ petitions are revolving announcement of the alleged election said to have conducted on 05.04.2015 and consequential acceptance of Form VII by the District Registrar and the approval of School Committee based on the acceptance of Form VII, all the writ petitions are disposed with a direction to the aggrieved parties to approach the competent Civil Court challenging the order accepting Form VII by the District Registrar and the liberty is also given to the petitioner in W.P.No.19842 of 2016 to challenge the order approving the School Committee by District Educational Officer before the appropriate appellate authority under the Tamil Nadu Recognized Private Schools Regulation Act and till the above appeal is filed, the order of District Educational Officer, Tirunelveli, dated 31.08.2016 shall not be disturbed.

6. With the above direction, all the writ petitions are closed. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-  
Assistant Registrar(Record)

/True copy/

Sub Assistant Registrar

To

- 1.The Director of School Education,  
DPI Campus, College Road,  
Chennai- 600 006.
- 2.The District Educational Officer,  
Tirunelveli District, Tirunelveli.
- 3.The District Elementary Educational Officer,  
Tirunelveli District, Tirunelveli.
- 4.The District Registrar,  
Tenkasi, Tirunelveli District.
- 5.The Principal Secretary to Government,  
School Education Department,  
Secretariat, Fort St. George,  
Chennai- 600 009.
- 6.The Joint Director of School Education (Higher Secondary)  
DPI Campus, College Road,  
Chennai- 600 006.



7.The Inspector General of Registration,  
Chennai - 600 028

8.The District Registrar  
O/o.The District Registrar ((Socities)  
Near New Bus Stand, Tenkasi,  
Tirunelveli District.

+2cc to Mr.D.Nallathambi, Advocate SR.No.62425  
+1cc to Mr.T.CibiChakraborty, Advocate sR.No.62476  
+1cc to the special Government Pleader SR.No.62913

am

sm:GSV-PM:8.11.2016:8P/13C

W.P (MD) Nos.1671/2016, 20629 of 2015,  
17231 of 2015, 22939 of 2015  
and 19842 of 2016  
20/10/2016