



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.03.2016

CORAM:
THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD) No.5179 of 2016
and
W.M.P (MD) No.4636 of 2016

WEB COPY

The Secretary,
Sengunthar Middle School,
Run by 7 Theru Sengunthar Vuravinmurai Sangam,
Naduvirpatti, Ettayapuram Taluk,
Tuticorin District - 628 902.

... Petitioner

Vs.

1. The Director of Elementary Education,
College Road, Chennai - 600 006.
2. The District Elementary Educational Officer,
Tuticorin, Tuticorin District.
3. The Additional Assistant Elementary Educational Officer,
Kovilpatti, Tuticorin District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent District Elementary Educational Officer to register forthwith the extension of Secretaryship of the petitioner in the Sengunthar Middle School at Naduvirpatti on the basis of the proposal submitted by the School dated 21.01.2016.

For Petitioner : M/s.Isaac Mohanlal
For Respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

ORDER

The petitioner seeks for a Writ of Mandamus, directing the second respondent-District Elementary Educational Officer to register forthwith the extension of Secretaryship of the petitioner in the Sengunthar Middle School at Naduvirpatti on the basis of the proposal submitted by the School dated 21.01.2016.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. The petitioner's school is an aided recognized private School registered under the Tamil Nadu Societies Registration Act, 1975 and there are more than 500 members in the Society and the Management vests with the Executive Committee of the same. The Society will select the Secretary of the School committee once in three years for the administration prescribed. There has been a dispute with respect to the post of Secretary in the petitioner's School.



4. While so, W.P(MD)No.7329 of 2013 was filed challenging the proceedings of the third respondent refusing the registration of appointment of one Nagarajan as Secretary of the School, without disclosing the fact of cancelling his appointment. This Court had granted an order of interim stay. In view of the interim order, the proposal sent by the Society was returned. Subsequently, a separate Writ Petition was filed by the Society in W.P(MD)No.12547 of 2013 seeking a direction to register one A.Kumaragurubaran as Secretary of the School Committee and this Court by a common order dated 13.08.2014 dismissed W.P(MD)No.7329 of 2013 and allowed the Writ Petition filed by the Society in W.P(MD) No.12547 of 2013. Subsequently, the DEEO had registered the name of A.Kumaragurubaran as Secretary of the School upto 31.12.2015.

5. On such being so, a proposal was filed for extending the Secretaryship of the said A.Kumaragurubaran, as it came to an end on 31.12.2015. The said proposal is still pending with the second respondent. As the School is going without a Secretary, the Writ Petition is now filed seeking a direction to the second respondent to extend the Secretaryship of the petitioner in Sengunthar Middle School, Naduvirpatti on the basis of the proposal submitted by the School dated 21.01.2016.

6. In the light of the above facts, without going into the merits of the case, the second respondent is directed to consider the proposal of the petitioner's School dated 21.01.2016 on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1. The Director of Elementary Education,
College Road, Chennai - 600 006.
2. The District Elementary Educational Officer,
Tuticorin, Tuticorin District.
3. The Additional Assistant Elementary Educational Officer,
Kovilpatti, Tuticorin District.

+ 1 CC TO M/S.ISSAC MOHANLAL, ADVOCATE IN SR NO. 17035/16

PS

TE/GSV-PM/ : 01/04/2016 : P/C

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and

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