

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2017

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.10220 of 2017

1. R. Kalyanasamy
2. V.R. Ranganathan
3. K. Pechimuthu
4. L. Ramamurthy
5. M. Sarathram

... Petitioners

-Vs-

1. The Principal Secretary,
Government of Tamil Nadu,
Education Department,
Fort St. George, Chennai - 600 009.
2. The Director,
School Education Department
D.P.I Campus, College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
Coimbatore, Coimbatore District.
4. The District Educational Officer,
Pollachi Educational Department,
Coimbatore District.
5. The Head Master,
M.N.M. High School,
Jakkarpalayam, Sirukalandai Village,
Kinathukadavu Taluk,
Coimbatore District.

... Respondents

Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other appropriate writ or order or direction in the nature of a writ, directing the Respondents herein to recognize the petitioners herein as the Educational Agency /Trustees to administer M.N.M. High School, Jakkarpalayam, Kinathukadavu Taluk, Coimbatore District.

For Petitioners : Mr.V.Selvaraj
for Mr.D.Jayasingh

For Respondents : Mr.V. Anandhamurthy
Additional Government Pleader

O R D E R

This writ petition has been filed for a direction to the Respondents to recognize the petitioners herein as the Educational Agency /Trustees to administer M.N.M. High School, Jakkarpalayam, Kinathukadavu Taluk, Coimbatore District.

2. By consent, this Writ Petition is taken up for final disposal.

3. Heard the learned counsel for the petitioners as well as learned Additional Government Pleader appearing for the respondents.

4. The case of the petitioner is that M.N.M. High School, Jakkarpalayam, Kinathukadavu Taluk, Coimbatore District is a Private Aided School and governed by Tamil Nadu Private Schools Regulation Act. After the school by name M.N.M. High School was established, a society called Araneri Kazhagam was formed to administer the school. Due to mishandling of the administration of the office bearers of the said society, the disputes arose, and the fourth Respondent by his proceedings dated 03.02.2009, has directed the first respondent to approach the civil Court. Then the first petitioner filed O.S.No.168 2009 under Section 92 CPC for framing a scheme for administration of the School. On 30.06.2011, the said suit was decreed by the Additional District Court/F.T.C.-I, Coimbatore, and it was held that the first petitioner and others shall administer the school as Trustees. The Judgment and decree passed in O.S.No.168 of 2009 dated 30.06.2011 was confirmed by this Court by Judgment and Decree dated 29.06.2016 in A.S.No.484 of 2011. The said Judgment and Decree was challenged before the Hon'ble Supreme Court, in S.L.P. (C) ... CC No.(s) 3041 of 2017 and the same was dismissed on 17.02.2017. Hence, the petitioners have submitted a representation to the fourth respondent, on 26.12.2016, requesting him to recognize the petitioners as Trustees to administer the M.N.M. School. Since, the fourth respondent has not passed any orders till date, the petitioners have come forward with this Writ Petition seeking for the aforesaid relief.

5. Though the relief sought for in this Writ Petition is for a larger relief, the learned counsel appearing for the petitioners would submit that it would suffice, if the fourth respondent is directed to consider and dispose of the representation of the petitioner dated 26.12.2016, within a time specified by this Court.

6. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel appearing on either side, without going into the merits of the case, this Court directs the fourth respondent

to consider and dispose of the representation of the petitioner, dated 26.12.2016, on merits and in accordance with law and pass orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision to the petitioners.

6. This Writ Petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

arr/nl

To

1. The Principal Secretary,
The Government of Tamil Nadu,
Education Department,
Fort St. George, Chennai - 600 009.
2. The Director,
School Education Department
D.P.I Campus, College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
Coimbatore, Coimbatore District.
4. The District Educational Officer,
Pollachi Educational Department,
Coimbatore District.

+1cc to Mr.D.Jayasingh, Advocate, S.R.No.25693

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SSI(CO)
CA(03/05/2017)

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