

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2017

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.8196 of 2004

And

W.P.M.P.No.9654 of 2004

J.S.T.Nallappa, Secretary M.J.M.Trust. ... Petitioner
12, M.T.H.Road, New Selvam Store,
Avadi, Chennai-517.

Vs.

1. The State of Tamil Nadu
rep. by its Secretary to Government,
Department of School Education,
St.George Fort, Chennai - 600 009.
2. The District Elementary Educational Officer,
District Education Office, Vellore.
3. The Assistant Elementary Educational Officer,
Assistant Educational Office,
Natrampalli, Vellore District.
4. C.Magendiran ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the second respondent regarding the Order Na.Ka.No.5916/a4/2002 dated 30.01.2004, quash the same as ultravires, invalid, unconstitutional and without the authority of law.

For Petitioner : Mr.A.Thiagarajan
Senior Counsel
for Mr.S.Rameshkumar

For Respondents : Mr.K.Bhuvaneshwari for R1 to R3
Government Advocate

***For R4 : Mr.J.Saravanel**

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records of the second respondent regarding the Order Na.Ka.No.5916/a4/2002 dated

30.01.2004, quash the same as ultravires, invalid, unconstitutional and without the authority of law.

2. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents 1 to 3.

3. The petitioner is the Secretary of Mary James Memorial Trust. Thiru.Vi.Ka.Middle School, Vaniyambadi, is under the control of the Mary James Memorial Trust and the School was getting grants from the Government. The second respondent passed proceedings dated 30.01.2004, stating that one K.Shanmugham has been appointed as President of the School Educational Committee, C.Magendiran has been appointed as Secretary of the School Educational Committee and K.Vijayan has been appointed as Treasurer of the School Educational Committee. Hence, the grant given to the Thiru.Vi.Ka.Middle School, Vaniyambadi, through the Assistant Elementary Educational Officer, Natrampalli, is withdrawn. Challenging the same, the petitioner has filed this writ petition.

4. The learned counsel appearing for the petitioner would submit that subsequent to this proceedings, the Secretary filed a suit and got ex parte injunction and the petitioner is taking steps to set aside the ex parte decree passed in O.S.No.100 of 2003 on the file of the learned Judicial Magistrate, Vaniyambadi.

5. Though the prayer in this writ petition is for quashing of the impugned proceedings, the learned counsel appearing for the petitioner now prays that subject to the outcome of the civil suit, the petitioner may be permitted to approach the Educational Authorities for appropriate relief.

6. Recording the same, this writ petition is disposed of, granting liberty to the petitioner to approach the Educational Authorities after the civil proceedings are over.

7. The writ petition is accordingly disposed of. No Costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS III)

Dated : 15.09.2017

***Corrected as per Letter dated**

19.09.2017

Sd/- Assistant Registrar(CS III)

Dated : 21.09.2017)

//True Copy//

Sub Assistant Registrar

pri

To

1. The Secretary to Government,
Department of School Education,
St.George Fort, Chennai - 600 009.
2. The District Elementary
Educational Officer,
District Education Office,
Vellore.
3. The Assistant Elementary
Educational Officer,
Assistant Educational Office,
Natrampalli, Vellore District.

To be Substituted to

the Order already

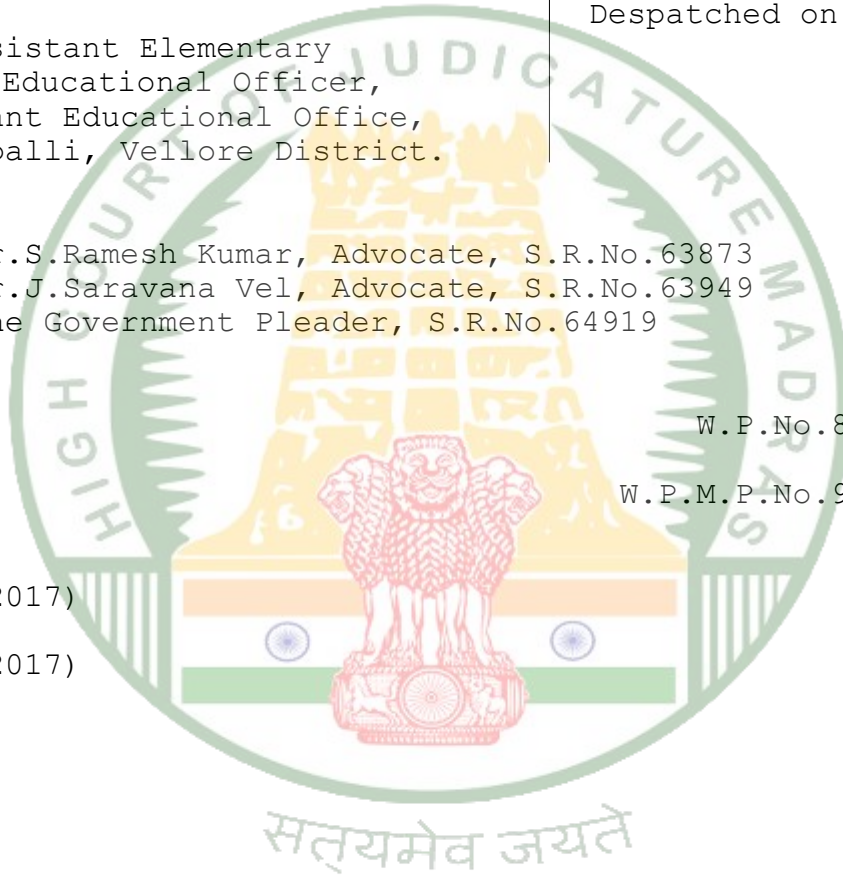
Despatched on 18.09.2017

+1cc to Mr.S.Ramesh Kumar, Advocate, S.R.No.63873
+1cc to Mr.J.Saravana Vel, Advocate, S.R.No.63949
+1cc to the Government Pleader, S.R.No.64919

W.P.No.8196 of 2004
And
W.P.M.P.No.9654 of 2004

SCD(CO)
GN(15/09/2017)

CA(21.09.2017)



WEB COPY