



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.15470 of 2017

and

W.M.P.(MD)No.12227 of 2017

WEB COPY

Sri Varadha Venkata Ramana Vidhyalaya Sabai,
Represented by its Secretary,
(Registration No.160 of 1999),
Venkatachalapuram Post,
Theni Taluk and District.

... Petitioner

-vs-

1.The District Educational Officer,
Periyakulam, Theni District.

2.The Registrar of Societies,
Periyakulam, Theni District.

3.Sri Varadha Ventaka Ramana Higher Secondary School,
Represent by its Head Master,
Venkatachalapuram Post, Theni District.

4.P.Raju
Secretary, School Committee,
Sri Varadha Ventaka Ramana Higher Secondary School,
Venkatachalapuram Post,
Theni District.

5.T.Lenin
Physical Education Teacher,
Sri Varadha Ventaka Ramana Higher Secondary School,
Venkatachalapuram Post, Theni District. ... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the first respondent from approving any proposal to promote the fifth respondent pending disposal of the disciplinary action contemplated against him.

For Petitioner

: Mr.H.Arumugam

For Respondents 1 and 2 : Mr.R.Karthikeyan

Additional Government Pleader

**ORDER**

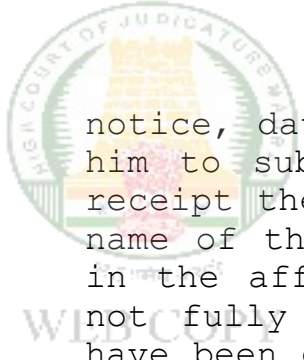
By consent of both sides, this writ petition itself is taken up for final disposal.

2. The petitioner claims to be the Secretary of Sri Varadha Ventaka Ramana Higher Secondary School situated at Venkatachalapuram, Theni Taluk. The petitioner has come to this Court seeking a Writ of Mandamus directing the District Educational Officer, Periyakulam, not to approve any proposal to promote the fifth respondent pending disposal of the disciplinary action contemplated against him.

3. The learned Counsel appearing for the petitioner would submit that the petitioner is a Society registered under the Tamil Nadu Societies Registration Act, 1975. After Election took place in the petitioner's Society on 30.08.2015, he has been elected as Secretary and Form VII was also submitted to the Registrar of Cooperative Societies, Periyakulam/second respondent herein and the same has also been approved. A proposal was also sent to the District Educational Officer, Periyakulam for constitution of the School committee as per Section 15 of the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973 read with Rule 12 of the Tamil Nadu Recognised Private Schools (Regulation) Rules, 1974, which was also approved by the second respondent by order dated 14.09.2015 for a period from 14.09.2015 to 13.09.2018. Subsequently, the fourth respondent has been nominated as the Secretary of the School Committee as per Rule 13 of the Rules.

4. While so, Mr. Lenin, who is serving as a Physical Education Teacher, suffered a complaint against him relating to sexual harassment. In this regard, the petitioner has learnt that the Headmaster is enquiring into these allegations. But, however, it is yet to be finalized. But the school committee, without taking any action against the fifth respondent, has sent a proposal to the first respondent to promote the fifth respondent, which is in violation of Rule 15(4) of the Tamil Nadu Private Schools (Regulation) Rules, 1974. If the fifth respondent is promoted before any disciplinary action is contemplated and finalised against him, the School and other Teachers, even the students will be put to great prejudice. In view thereof, the petitioner has been advised to come to this Court seeking a Writ of Mandamus forbearing the first respondent from approving the proposal to promote the fifth respondent from the post of Physical Education Teacher to the post of B.T. Assistant.

5. The learned counsel appearing for the petitioner is <https://heservices.rajahmundry.gov.in/heservices/> even the complaint first lodged against the fifth respondent/Physical Education Teacher. However, the show cause



notice, dated 09.02.2017 sent to the fifth respondent calling upon him to submit his explanation within ten days from the date of receipt thereof, also on a careful perusal shows that nowhere, any name of the affected student is mentioned. Again, the petitioner, in the affidavit filed in the support of the writ petition, has not fully understood and acquainted with the complaint said to have been given against the fifth respondent. Without even knowing the real and factual aspects about the fifth respondent, the petitioner, who claims to be the Secretary of the Educational agency, ought not to have rushed to this Court with irresponsible statements. As a matter of fact, if there is a departmental proceeding initiated and finally, if the fifth respondent is found guilty, ignoring any such punishment order and ignoring pendency of any criminal case/departmental proceedings, if the fourth respondent/ Secretary of School committee sent a proposal, atleast, one can understand that the fifth respondent should not be given any promotion.

6. But, in the present case, a perusal of the show cause notice does not show on what date, the complaint was given against the fifth respondent.

7. Secondly, as mentioned above, no name of the affected student is mentioned.

8. Thirdly, the petitioner has also not even produced a copy of the complaint for perusal of this Court that clearly shows that the petitioner has determined to stall the administration of the school with malafide motive.

9. All these reasons cumulatively take this Court to the conclusion that the petitioner is attempting to spoil and pollute the conducive atmosphere prevailing in the school, where the fourth and fifth respondents are discharging their duties taking classes to the students.

10. Therefore, this Court, finding no merits whatsoever, is inclined to impose a cost of Rs.25,000/- (Rupees Twenty Five Thousand only) to Rojavanam Homeless & Aged Care Centre, Melur Road, Uthangudi, Madurai, to be paid by the petitioner, within a period of two weeks from the date of receipt of a copy of this order.

11. This Court was compelled to impose the exemplary cost, keeping in mind that this type of irresponsible attitude of the President of the Society should not be repeated in the larger interest of the school and students.

12. The request made by the learned counsel for the petitioner to reconsider the imposition of cost is rejected.



13. With the above direction, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The District Educational Officer,
Periyakulam, Theni District.

2.The Registrar of Societies,
Periyakulam, Theni District.

+1cc to M/S.H.ARUMUGAM, Advocate SR.No.73421

+1cc to Special Government Pleader, SR.No. 73498

Mrn/RR

MAS/SV-MMS/SAR2:13.11.2017:2P-5C

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