



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P (MD) .No.15733 of 2017

and

W.M.P (MD) .No.12444 of 2017

M.Ramasamy

...Petitioner

-Vs-

1. The District Elementary,
Educational Officer,
Virudhunagar District,
Virudhunagar.

2.The Sowdambigai Primary School,
Allampatti,
Rep.its secretary,
Virudhunagar District.

3.M.Nagendran

... Respondents

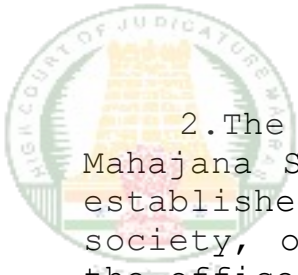
PRAYER: Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent herein to issue a formal order of cancellation cancelling the approval given to the second respondent School Committee in his proceeding in Na.Ka.No.4563/A3/2017 dated 17.05.2017 pursuant to the representation of the petitioner dated 17.07.2017.

For Petitioner : Mr.T.Sathyaseelan

For Respondent : Mr.C.Selvaraj,
Special Government Pleader

ORDER

This writ petition is filed seeking for a direction to the first respondent to issue a formal order of cancellation cancelling the approval given to the second respondent School Committee in his proceeding in Na.Ka.No.4563/A3/2017 dated 17.05.2017 pursuant to the representation of the petitioner dated 17.07.2017.



2.The petitioner would claim that he is a member of Devangar Mahajana Sabhai, Allampatti, Virudhunagar. The society has been established and maintaining school. As per the bye laws of the society, once in three years an election has to be conducted for the office bearers.

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3.The petitioner would allege that during the year 2012-2015, the persons who were elected for the management of the society, have not conducted the election in accordance with law and therefore, a suit has been filed and the same is pending in O.S.No.127 of 2012 before the District Munsif, Virudhunagar. Since the validity of election is questioned, the Registrar of societies has not approved the Form VII. The Educational Authorities did not give approval for the educational agency and school committee constituted by the Educational Agency for the period of 2012-2015. While so, the first respondent passed an order dated 17.05.2017 approving the school committee for the period from 24.07.2016 to 26.07.2018. Thereafter, the second respondent by his proceedings in Na.Ka.No.1313/A2 dated 03.03.2017, directed the School Committee to accept Form VII by the third respondent. The order is challenged by the petitioner in W.P(MD).No.11475 of 2017. When the writ petition is pending, the first respondent approved the School Committee imposing conditions. Even after lapse of time set out in the order, the School Committee has not complied with. Hence, the petitioner sent a representation to the first respondent on 17.07.2017. Since no action was taken, the present writ petition.

4.Heard Mr.T.Sathyaseelan, learned counsel appearing for the petitioner and Mr.C.Selvaraj, learned Special Government Pleader, who took notice on behalf of the respondents.

5.Considering the case of the petitioner, this Court, without going into the merits of the matter, directs the first respondent to consider the representation of the petitioner, dated 17.07.2017 and pass appropriate orders, on merits and in accordance with law, after providing opportunity to all the necessary parties, within a period of six weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CS-III)

/True copy/

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar



To

1. The District Elementary,
Educational Officer,
Virudhunagar District,
Virudhunagar.

+1 cc to Mr.T.Sathyaseelan , Advocate in SR.No. 73637
+1 cc to The Special Government Pleader in SR.No.74253

rmk/skn
AE/JC/SAR1/04.09.2017/3P/4C

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