



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WEB COPY

W.P (MD) No.19341 of 2017

and

W.M.P (MD) No.15652 of 2017

M.Madakannu

... Petitioner

Vs.

1.The District Registrar cum Registrar of Societies,
Cheran Mahadevi Taluk,
Tirunelveli District,
Tirunelveli.

2.The District Elementary Education Officer
O/o. District Elementary Education Office,
Tirunelveli District,
Tirunelveli.

3.The Assistant Elementary Education Officer,
O/o. Assistant Elementary Education Office,
Pappakudi,
Tirunelveli District, Tirunelveli

4.P.Iyyathurai
Ex-Secretary,
The Hindu Middle School
Odaikkarai Thullukapatti,
Cheran Mahadevi Taluk,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondent No.2 from approving the Education agency presented by the Respondent No.4 without hearing the petitioner.

For Petitioner

: Mr.T.Lajapathi Roy

For Respondents 1 to 3

: Mr.T.S.Mohamed Mohideen

Additional Government Pleader

ORDER

This Writ petition has been filed to issue a Writ of Mandamus forbearing the second respondent from approving the Education agency presented by the fourth Respondent without hearing the petitioner.

<https://hccases.mca.gov.in/hccases/queries>

2. Heard the learned Counsel on either side.



3. The petitioner is elected as the Secretary of The Hindu Middle School, Tirunelveli District by the members of the Hindu Middle School Committee. As per the byelaw of the said Society, for every 3 years, election should be conducted for electing Secretary to the Society. Earlier, the fourth respondent herein was elected as Secretary to the Society in the year 2011. When he was acted as a Secretary, several malpractices were committed by the fourth respondent. In this regard, the petitioner sent Form VII application to the second respondent. However, without the knowledge of the members of the Society, the fourth respondent has also sent Form VII application to the second respondent. Therefore, the petitioner has submitted a representation dated 25.08.2017 before the second respondent. Since, the second respondent has not considered the same, the petitioner is before this Court with the present Writ petition.

4. The learned Additional Government Pleader appearing for the respondents 1 to 3, on instructions, fairly submits that the request of the petitioner for approval of agency is under consideration.

5. Recording the said submission, this writ petition is disposed of, directing the respondent to pass appropriate orders on the matter, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner as well as other interested parties, if any. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1.The District Registrar cum Registrar of Societies,
Cheran Mahadevi Taluk,
Tirunelveli District,
Tirunelveli.

2.The District Elementary Education Officer
O/o. District Elementary Education Office,
Tirunelveli District,
Tirunelveli.

3.The Assitant Elementary Education Officer
O/o. Assistant Elementary Education Office,
Pappakudi,
Tirunelveli District, Tirunelveli.

+1cc to Mr.T.LAJAPATHI ROY,Advocate,SR. 89122

+1cc to M/S.Special Government Pleader,SR.89627

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