

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 27.07.2017****CORAM****THE HON'BLE MR.JUSTICE M.M.SUNDRESH****AND****THE HON'BLE MR.JUSTICE N.SATHISH KUMAR****W.A. (MD) No.694 of 2011**

S.R.M.Higher Secondary School,
Represented by its Secretary,
S.RM.Chidambaram,
Nattarasankottai,
Sivagangai District.

... Appellant/Petitioner

Vs.

- 1.The Chief Educational Officer,
Sivagangai.
- 2.The District Educational Officer,
Sivagangai.
- 3.The Director of School Education,
College Road,
Chennai.

... Respondents/Respondents

Writ Appeal filed under Clause 15 of Letter Patent against the order passed by this Court in W.P.(MD)No.12463 of 2009 dated 24.06.2011.

Prayer in WP(MD). 12463/ 2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus or any other appropriate writ order of direction in the nature of Writ of Certiorarified mandamus, calling for the records relating to the impugned proceedings of the first respondent dated 16.11.2009 in Na.Ka.No.4069/A3/2009 and quash the same and consequently direct the respondents to sanction the petitioners request for starting the following 2 groups in the petitioner school and for permitting the petitioner to appoint additional teachers vide representations dated 15.02.2009 and 13.03.2009 (i.e) Group A-Physics, Chemistry, Biology and Computer Science, Group B-physics, Chemistry, Botony, Zoology.

For Appellant

: Mr.A.L.Kannan

For Respondents

: Mr.T.R.Janarthanan

Additional Government Pleader

**JUDGMENT**

(Judgment of the Court was delivered by **M.M.SUNDRESH, J**)

WEB COPY The writ appeal is preferred against the order of the learned Single Judge dated 24.06.2011, passed in W.P.(MD) No.12463 of 2009, dismissing the writ petition filed by the appellant challenging the order of the first respondent dated 16.11.2009, by which the request made for grant was rejected by placing reliance on Section 14 (a)(d) of the Tamil Nadu Private School Regulations Act, 1973.

2. Heard the learned counsel appearing for the appellant and the learned Additional Government Pleader appearing for the respondents.

3.The appellant is a private aided school. Originally it was a High School and subsequently, upgraded as Higher Secondary School in the year 1985 - 1986. At the time of upgrading the school, 11 posts were sanctioned to the school. However, the appellant for the reasons best known to them started the school with one group alone with five teachers. After doing so for 10 years, it sought for additional group in the year 1998. The said request was rejected. Thereafter, it was renewed in the year 2009. By the impugned order it was rejected by placing reliance on Section 14 (a)(d) of the Tamil Nadu Private School Regulations Act, 1973.

4.We do not find any merit in the writ appeal. Admittedly, the appellant started the classes/courses for one Section with 5 posts out of 11 posts sanctioned and after coming into effect of Section 14 (a)(d) of the Tamil Nadu Private School Regulations Act, 1973, the posts assigned got lapsed and thereafter, distributed among the needy schools. Therefore, as rightly held by placing reliance on Section 14 (a)(d) of the Tamil Nadu Private School Regulations Act, 1973, the appellant is not entitled for the relief for the reason that the classes/courses started after 1991-1992 academic year will not be eligible for any grant.

5.Accordingly, the Writ Appeal is dismissed. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar



To

1.The Chief Educational Officer,
Sivagangai.

2.The District Educational Officer,
Sivagangai.

3.The Director of School Education,
College Road,
Chennai.

+1cc to Spl.Government Pleader Sr.No.68930

+1cc to Mr.VR. Shanmuganathan, Advocate Sr.No.68561

SJ

VB/KP/SAR4/09/08/2017/3P/6C

W.A. (MD) No.694 of 2011

27.07.2017