

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.06.2018

CORAM

THE HONOURABLE MRS. V. BHAVANI SUBBAROYAN

WP.No.13312 of 2008 and
M.P.No.2 of 2008

Tamil Nadu Education Department Administrative
Officials Association (Regd No.387 of 1991)
Represented by its General Secretary
Mr.P.S.Appar,
DPI Compound, Chennai - 6.

... Petitioner

Vs.

1.The Commissioner and Secretary to Government,
Department of School Education,
Secretariat,
Chennai - 600 009.

2.The Director of School Education,
D.P.I, Compound,
Chennai - 600 006.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the second respondent made in proceedings No.019605/B3/08 dated 09.05.2008 and quash the same as the same is contrary to the G.O.Ms.No.704 issued by the Education Science and Technology Department dated 19.04.1982 and consequently to direct the 2nd respondent to strictly follow the G.O.Ms.No.704 issued by the Education and Science and Technology Department dated 19.04.1982 so as to complete the audit in a free, fair and impartial manner in order to ensure that true and correct accounts to be submitted to the Government and consequently to direct the respondents 1&2 to consider and allocate the additional posts to the audit department so as to prevent from causing loss to the Government and pass such further order.

For Petitioner : M/s.N.Umapathi

For Respondents : Mr.K.Karthikeyan
Government Advocate (Education)

O R D E R

The writ petitioner has filed this writ petition to issue a Writ of Certiorarified Mandamus to call for the records of the second respondent made in proceedings No.019605/B3/08 dated 09.05.2008 and quash the same is contrary to the order passed by the Government vide G.O.Ms.No.704 Education Science and Technology Department dated 19.04.1982 and consequently to direct the 2nd respondent to strictly follow the aforesaid Government Order, dated 19.04.1982 so as to complete the audit in a free, fair and impartial manner in order to ensure that true and correct accounts to be submitted to the Government and consequently to direct the respondents 1&2 to consider and allocate the additional posts to the Audit Department so as to prevent loss to the Government.

2. The case of the petitioner is that the petitioner is an Association are being aggrieved by the action of the respondents in directing the members of the petitioner Association to complete the audit in all Educational Institutions including Government High School and Higher Secondary School within the period commencing from 05.06.2008 to 15.07.2008 i.e. within a period of 45 days by totally ignoring and violating the G.O.Ms.No.704 dated issued by the Government of Tamil Nadu Department of Educational (V2) Science and Technology.

3. The petitioner further submit that the Accounts Officer each for the regions functioning under the School Education Department w.e.f. June 1982 onwards as per the Government Order vide in G.O.Ms.No.704 Education Science and Technology Department dated 19.04.1982 with regard to conducting of Audit at Educational Institutions. Aggrieved by the action of the respondents petitioner Association a representation dated 15.07.2007 stating that the difficulties and other aspects in conducting the audit. The Director of School Education have orally informed the members of the petitioner Association that their request would be considered positively and further informed the petitioner Association that the circular would not be operative from the next academic year. The members of the petitioner Association was under bonafide belief and impression that the respondent would not impose such time limit in the forth coming year and also would remove the Jamabandhi Committee members who are appointed from the DEO and CEO Office so as to enable them to conduct audit in a fair free and impartial manner. However, to the shock and surpirse of the petitioner, the respondent has issued impugned order on 09.05.2008 by extracting the very same conditions which was imposed in earlier proceedings dated 25.04.2007. The circular dated 09.05.2008 informed that the Jamabandhi Audit ought to have conducted for the academic year 2007-2008 from 05.06.2008 to 15.07.2008

without affecting the functions and day to day affairs of the school.

4. The learned counsel appearing for the petitioner submitted that the relief sought for in this Writ Petition has become infructuous and he has also made an endorsement to that effect.

5. In view of the above submissions made by the learned counsel for the petitioner, the Writ Petition is dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

msm

To

1.The Commissioner and Secretary to Government,
Department of School Education,
Secretariat,
Chennai - 600 009.

2.The Director of School Education,
D.P.I, Compound,
Chennai - 600 006.

+1cc to the Government Pleader, S.R.No.36578

WP.No.13312 of 2008

CS/20/06/18

सत्यमेव जयते

WEB COPY