

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

W.P.No.18359 of 2018

Quaide Millath Nursery & Primary School,
rep. by its Correspondent,
V.Parvez Ahmed,
Jalal Road, 10th Street,
Moulana Azad Nagar,
Ambur - 635 802.

... Petitioner

vs.

1. The District Educational Officer,
Vaniyambadi,
Vellore District.
2. The Block Educational Officer/
Assistant Elementary Educational Officer,
Madhanur, Vaniyambadi,
Vellore District.
3. Islamic Welfare Association Trust,
No.4, Jalal Road,
II Street, Ambur
rep. by its Chairman,
S.A.Imthiyaz Basha

... Respondents

(R3 suo-motu impleaded by this Court vide order dated 26.07.2018 passed in W.P.No.18359 of 2018)

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the 1st Respondent herein to pass orders upon the recommendation of the 2nd Respondent herein in Na.Ka.No.126/A2/2018, dated 24.04.2018 and accordingly grant renewal of recognition to the Petitioner School from 01.04.2017 to 31.03.2020.

For Petitioner : Mrs.Dakshayani Reddy

For Respondents 1 & 2 : Mr.C.Munusamy,
Special Government Pleader

For 3rd Respondent : M/s.T.Kannan & Mr.T.Suresh

O R D E R

Petitioner School has come up with the present Writ Petition seeking a direction to the 1st Respondent herein to pass orders upon the recommendation of the 2nd Respondent herein in Na.Ka.No.126/A2/2018, dated 24.04.2018 and accordingly grant renewal of recognition to their School from 01.04.2017 to 31.03.2020.

2. According to the Petitioner, their School was established in the year 2002 for Classes I to V, by the Society viz. Islamic Welfare Association registered under the Tamil Nadu Societies Registration Act, vide Registration No.298 of 1999 and that the recognition of the School was renewed from time to time and the last recognition was granted with effect from 01.04.2014 to 31.03.2017 vide proceedings of the 1st Respondent, dated 02.06.2014.

3. It is seen that there is already a Civil Suit in O.S.No.205 of 2009 before the Subordinate Court, Vaniyambadi and by judgment dated 01.07.2016, the Subordinate Judge, Vaniyambadi has held that the Trust alone has formed the School and not the Society, as alleged by the Defendant. However, the Petitioner herein has not made the Trustees as parties to the present Writ Petition. Hence, this Court suo motu impleads Islamic Welfare Association Trust, represented by its Chairman, S.A.Imthiyaz Basha, at No.4, Jalal Road, II Street, Ambur, as necessary party to this Writ Petition.

4. That apart, learned Special Government Pleader appearing for the Respondents 1 and 2 submitted that one V.M.Samiullah, the 2nd plaintiff in the above Suit, has given a representation to the official Respondents with regard to grant of renewal of recognition.

5. From the material documents available on record, it is seen that the Petitioner has not stated anything about the Civil Suit that has been concluded against them. As the intention of the Writ Petitioner is only with regard to renewal of recognition and as one of the Trustees of the Islamic Welfare Association Trust viz. V.M.Samiullah has given a representation, this Court directs the Respondents 1 and 2 to consider the said representation and take a decision in accordance with law, after affording an opportunity of hearing to the Petitioner, the impleaded 3rd Respondent and other persons, who are likely to be affected, within one month from the date of receipt of a copy of

this order.

6. However, it is made clear that this order will not give any right to the Petitioner herein to contend that the relief has been granted only based on the representation made by one of the Trustees, who has not been impleaded as party to this Writ Petition. It is needless to mention that if any person is aggrieved by this order, he/she is at liberty to approach the appropriate forum.

The Writ Petition is disposed of with the above direction and observation. No costs.

Sd/-
Deputy Registrar

//True copy//

Sub Assistant Registrar

(aeb)

To:

1. The District Educational Officer,
Vaniyambadi,
Vellore District.
2. The Block Educational Officer/
Assistant Elementary Educational Officer,
Madhanur, Vaniyambadi,
Vellore District.

+1cc to Mrs.Dakshayani Reddy, Advocate SR.No.50320

+1cc to Government Pleader SR.No.50777

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GMY(19/09/2018)