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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2018

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THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 21086 of 2017

&

W.M.P. No. 21962 of 2017

M. Natesan

..Petitioner

Vs.

1. The Chief Educational Officer,
Salem District, Salem.
2. The Headmaster,
Government High School,
Maniyanur, Salem District.
3. A.B. Sakthivel
4. The State of Tamil Nadu,
rep. by Secretary to Government,
School Education Department,
Fort St. George,
Chennai - 600 009.
5. Director of School Education,
DPI Compound, Nungambakkam,
Chennai - 600 006.

(R4 & R5 suo motu impleaded as per order
dated 09.08.2017 by NKKJ in W.P. NO.
21086/2017)

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus forbearing 1st and 2nd respondents from removing the office bearers of Parent Teachers Association under the petitioner's Presidentship of Maniyanur Government High School till completion of the tenure in May, 2021.

For Petitioner :: Mr.K. Sakthivel

For Respondents:: Mr.T.M. Pappiah,
Special Govt. Pleader for
R1, R2, R4 & R5.
Mr.R. Nalliyappan for R3



O R D E R

This writ petition has been filed for issue of a Writ of Mandamus forbearing the 1st and 2nd respondents from removing the office bearers of Parent Teachers Association under the petitioner's Presidentship of Maniyanur Government High School till completion of the tenure in May, 2021.

2. The case of the petitioner is that he was elected as President of Parent Teachers Association of Maniyanur Government High School in the year 2011. The said school is situated in the ward wherein the petitioner is residing and represented as Ward Councillor in the Salem Corporation till October, 2016. According to the petitioner, it is only a parent or elected representative of that area, who can hold any post in the Parent Teachers Association of the said school. Once elected, the elected team would hold office for a period of 5 years or till the next election of office bearers. The petitioner was elected as President of the Parent Teachers Association of the said school in 2011 and again in 2016. After the petitioner became the President of the Association, he took efforts to elevate the school, which was functioning as Salem Panchayat Union Middle School, as a High School and for sanctioning funds from the Salem Corporation to provide various facilities to the school. While so, due to difference of opinion between the petitioner and the 3rd respondent on account of their different political affiliations, according to the petitioner, the 3rd respondent had requested the 2nd respondent, Headmaster of the school, to nominate those persons suggested by him as office bearers of Parent Teachers Association. Though the tenure of the present office bearers comes to an end only in May, 2021, apprehending that the present office bearers would be removed by the 1st and 2nd respondents, at the instance of the 3rd respondent, the petitioner has come forward with the present writ petition.

3. During the course of hearing the writ petition, when it came up on 02.11.2017, it was brought to the notice of this Court that the issue between the petitioner and the 3rd respondent had been concluded by electing the office bearers of the Parent Teachers Association by the Chief Educational Officer. Since the larger issue of framing guidelines for Parents Teachers Association had arisen incidentally in this case and taking into consideration, the absence of any Act by which Parent Teachers Association could be established in every school mandatorily, this Court observed as follows in the order dated 02.11.2017:

"The issue between the petitioner and the third respondent is said to have been concluded by electing the office bearers for the Parents Teachers Association by the Chief Educational Officer. However, taking into



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consideration the absence of any Act by which the Parents Teachers Association could be established in every school mandatorily, so that there can be a constant communication between the parents and the teachers and the grievance of all the stakeholders could be addressed, as has been done by the State of Maharashtra by enacting an Act called "Maharashtra Educational Institutions [Regulation of Fee] Act, 2011" in which Section 4 makes it mandatory for every private school to constitute Parents Teachers Association, this Court feels that time has come to enact an Act to form and regulate the Parents Teachers Association in the interest of the students and for the development of the education, in the lines of the above Act. This court also takes note of the framing of the rules by the State of Kerala called "Parents Teachers Association Rules" for regulating the affairs of the Parents Teachers Association."

4. Today, when the writ petition is taken up, it is brought to the notice of this Court that an affidavit has been filed by the 5th respondent, namely, Director of School Education, Chennai - 6, wherein it is stated as hereunder:

"4.the Government has recently enacted the Tamil Nadu Private Schools (Regulation) Act, 2018 and in that Act, Section 24 provides as follows:

"Every private school shall constitute a Parent Teacher Association in such manner and to perform such functions as may be prescribed, to encourage participation of the parents in improving the quality of education and learning environment."

5. It is further submitted that in view of the above said section, the constitution of the Parent Teachers Association in every private schools has been made mandatory.

6. It is further submitted that periodical instructions are issued to all the schools through the Chief Educational Officers and District Educational Officers to ensure the constitution of Parent Teachers Association in all the Schools including the Government Schools.

7. It is further submitted that the constitution and the functioning of the Parent Teacher Associations are governed by the School Parent Teacher Association Bye-laws duly approved by the Government by G.O.Ms. No. 242 Education, Science and Technology (C2) Department dated 28.03.1994."



5. In view of the averments made in the affidavit filed by the 5th respondent that bye-laws duly approved by the Government vide G.O.Ms. No. 242 Education, Science and Technology (C2) Department dated 28.03.1994 to govern the constitution and functioning of School Parent Teacher Association are in existence and that the constitution of the Parent Teachers Association in every private school has been made mandatory and in view of the fact that the issue between the petitioner and the 3rd respondent has also been concluded, the writ petition is disposed of. No costs. Connected W.M.P. is closed.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

nv

To

1. The Chief Educational Officer,
Salem District, Salem.
2. The Headmaster,
Government High School,
Maniyanur, Salem District.
3. The Secretary to Government,
School Education Department,
Fort St. George,
Chennai - 600 009.
4. Director of School Education,
DPI Compound, Nungambakkam,
Chennai - 600 006.

+1cc to the Government Pleader, S.R.No. 72401

W.P. No. 21086 of 2017

KK(CO)
GN(13/11/2018)