

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Thursday, the Twenty Seventh day of September Two Thousand

Eighteen

PRESENT

THE HON`BLE MR JUSTICE S.M.SUBRAMANIAM

WMP NOS.14389 OF 2017 AND 7858 OF 2018

IN WP.13362 OF 2017

ALAGAPPA MIDDLE SCHOOL [PETITIONER IN WMP.14389/17
REP.BY. ITS MANAGER MR.A.BALACHANDRAN, IN WP.13362/17 AND
PUTTAI, SANKARAPURAM UNION, 1ST RESPONDENT IN WMP.7858/18]
VILLUPURAM DISTRICT 606 401.

Vs

1 THE DIRECTOR OF ELEMENTARY [1 TO 7 RESPONDENTS IN
EDUCATION, COLLEGE ROAD, WMP.14389/17 IN WP.13362/17 AND
CHENNAI 6. 1ST RESPONDENT IN WMP.7858/17]

2 THE DISTRICT ELEMENTARY [2 TO 7 RESPONDENT IN WMP.7858/18]
EDUCATIONAL OFFICER,
VILLUPURAM, VILLUPURAM DISTRICT.

3 THE ASSISTANT ELEMENTARY
EDUCATION OFFICER, SANKARAPURAM UNION,
VILLUPURAM DISTRICT.

4 THIRU.ELANGOVAN
(IN PERSONAL CAPACITY),
DISTRICT ELEMENTARY
EDUCATION OFFICER,
CUDDALORE, VILLUPURAM DISTRICT.

5 A.RAJENDRAN

6 A. MOHANKUMAR

7 A.MURUGAN

(R5 TO R7 IMPEADED AS PER ORDER
DT 14.7.2017 BY NKKJ IN WMP.NO.16706/2017
IN WP.NO.13362/2017.)

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

stay the impugned order of the 2nd respondent passed in Na.Ka.No.4822/Aa4/2016, dated 18.05.2017 and all further proceedings (in WMP.No.14389/17) pending disposal of the writ petition 13362/17 and;

(ii) to vacate the interim Stay granted on order 24.05.2017 and made in WMP.No.14389 of 2017 in W.P.No.13362/17 respectively.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.N.RAVICHANDRAN Advocate for the PETITIONER IN WMP.14389/17 IN WP.13362/17 AND 1ST RESPONDENT IN WMP.7858/18 and of M/S.S.R.RAJA GOPAL AAG., Assit.by M/S.M.ELUMALAI Government Advocate for 1 TO 4 RESPONDENTS IN WMP.14389/17 and M/S.G.S.GUNASEELAN Advocate for 5 to 7 respondents in WMP.No.14389/17 & 7858/18 IN WP.13362/17 the court made the following order:-

The order dated 18.5.2017 issued by the District Elementary Educational Officer, Villupuram, ordering for the direct payment under the provisions of the Tamil Nadu Recognised Private School Regulations Act, 1973, is under challenge in this writ petition.

2. The learned counsel for the writ petitioner states that the District Educational Officer has no authority to issue such an order of direct payment under the provisions of the Tamil Nadu Recognised Private School Regulations Act, 1973. This apart, the pendency of the disputes between the members of the school management will not constitute a ground for the authorities to impose the direct payment. It is further contended that the writ petitioner is submitting proposals for payment of salary every month and there is no delay or otherwise in this regard. In view of the fact that the authorities are unnecessarily interfering with the rights of the school management of the writ petitioner, the writ petitioner is constrained to move the present writ petition.

3. The learned Additional Advocate General, appearing on behalf of the respondents 1 to 4, opposed the said contention of the learned counsel for the writ petitioner, by stating that the writ petitioner is creating lot of problems in respect of running the administration of the school. For the past many occasions, the salary had not been paid in time to the teachers working in the school. Out of 11 teachers in the school, 6 teachers were the relatives and out of 6 teachers, 2 teachers already retired on attaining the age of superannuation and at present 4 teachers, working in the very same school, are the close relatives and they are none other than the brothers and sisters of the writ petitioner.

4. In view of the family disputes in respect of the school management between the parties, the teachers, who all are working in the school, are unable to get their salary as per the Government Rules in force. This apart, criminal complaints are also registered between the parties.

5. The learned counsel for respondents 5 to 7 also contended that salary to the teachers are not paid punctually and as per the Rules in force. The writ petitioner is creating troubles in respect of payment of salary to the teachers and scholarship to the students. Some Schemes introduced by the Government are not implemented in accordance with the terms and conditions imposed by the Government. In respect of the Noon-Meal Scheme also the writ petitioner has committed certain irregularities.

6. This Court is of an opinion that those irregularities or illegalities need not be gone into by this Court at this point of time and it is left open to the parties to adjudicate all their personal disputes and other disputes in the manner known to law and before the appropriate Court. However, in the interest of the administration of the school, teachers and the students are to be protected and admittedly, the school is running with about 333 students and 11 teachers are working.

7. On account of the dispute between the brothers and sisters, who all are the members of the management of the school, the teachers are unable to get their salary and other benefits and the Welfare Schemes introduced by the Government are not implemented promptly and this apart, the scholarships granted are not distributed to the students as per the guidelines issued by the authorities.

8. This Court is of an opinion that such Welfare Schemes and the payment of salary to the teachers can never be stalled. The teachers and the students are entitled to get their benefits granted by the Government under various Schemes. In the interest of the students, the teachers and by adopting a pragmatic approach, this Court is of an opinion that the direct payment order passed by the second respondent is to be implemented in all respects during the pendency of the writ petition and more specifically, till the disputes are resolved between the members of the management.

9. In this view of the matter, the respondents 1 to 3 are directed to implement the Direct Payment System and implement all other Government Welfare Schemes for the benefit of the students and the teachers, until further orders. It is made clear that if the issues between the school management members are resolved, then the writ petitioner as well as the other members of the school management, are at liberty to submit a representation to the Competent Authorities, enabling them to reconsider the order issued in respect of the direct payment.

10. With the above observations, the stay petition in WMP No.14389 of 2017 is dismissed and the vacate stay petition in WMP No.7858 of 2018 is allowed.

Post WP No.13362 of 2017 for final hearing after two weeks.

-sd/-
27/09/2018
/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE DIRECTOR OF ELEMENTARY
EDUCATION, COLLEGE ROAD, CHENNAI 6

2 THE DISTRICT ELEMENTARY
EDUCATIONAL OFFICER, VILLUPURAM,
VILLUPURAM DISTRICT.

2 THE DISTRICT ELEMENTARY
EDUCATIONAL OFFICER, VILLUPURAM,
VILLUPURAM DISTRICT.

3 THE ASSISTANT ELEMENTARY
EDUCATION OFFICER, SANKARAPURAM UNION,
VILLUPURAM DISTRICT.

C.C. to M/S.S.N.RAVICHANDRAN Advocate SR.No.11819

C.C. To M/S.S.GUNASEELAN Advocate SR.No.11780

The Government Advocate, High Court, Madras - 104.

WEB COPY
Order
in

WMP NOS.14389 OF 2017 AND 7858 OF 2018

IN WP.13362 OF 2017

Date :27/09/2018

From 26.2.2001 the Registry is issuing certified
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SDR 04.10.2018