

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 19.07.2018****CORAM:****THE HONOURABLE MR.JUSTICE M.S.RAMESH****W.P. (MD) No.3126 of 2018****and****W.M.P. (MD) No.3280 of 2018**

S.S.Muthu Chettiar Hindu Primary School
Oonjampatti-627 753
Rajapalayam,
Virudhunagar District
through its Secretary Sadhasivam

... Petitioner

vs.

1. The Director of Elementary Education,
College Road, Chennai-6.

2.The District Elementary Educational Officer,
Virudhunagar.

3. The Additional Assistant Elementary
Educational Officer,
Rajapalayam,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the entire records connected with the impugned order passed by the second respondent in O.Mu.No.3453/A2/2017, dated 06.10.2017 consequently order passed by the third respondent in Na.Ka.No.1565/Aa2/2017, dated 12.10.2017 and quash the same and directing the second respondent to approve the school committee nominated as per resolution dated 20.08.2017 by the educational agency of the petitioner school namely S.S.Muthu Chettiar Hindu Primary School, Oonjampatti-627753 without insisting police certificate.

For Petitioner : Mr.K.K.Kannan

For Respondents : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

**ORDER**

The impugned order directing the petitioner to produce a certificate from the Police Department to the effect that there is no criminal case pending against him may not be proper in the absence of any regulations making it a pre-condition for the approval of School-Committee. On the other hand, it is seen that as per Rule 12(5) of the Tamil Nadu Recognized Private Schools (Regulation) Rules, the persons convicted for criminal offence involving moral turpitude are ineligible to become members of the School-Committee. As such, a certificate from the Police Department to the effect that the petitioner has not been convicted for any criminal offence involving moral turpitude would be the relevant document that the respondents may insist for.

2. Accordingly, the petitioner is granted liberty to obtain a certificate from the Police Department evidencing that he was not convicted for any criminal offence involving moral turpitude and submit the same before the third respondent. On receipt of such a certificate, the third respondent shall consider the petitioner's request for approval of the School-Committee as expeditiously as possible, without any reference to the earlier impugned orders dated 06.10.2017 and 12.10.2017.

3. With the above observations, the writ petition stands closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To:

1. The Director of Elementary Education,
College Road, Chennai-6.
2. The District Elementary Educational Officer,
Virudhunagar,
3. The Additional Assistant Elementary
Educational Officer,
Rajapalayam, Virudhunagar District.

+ 1 cc TO Mr.K.K.Kannan , Advocate in SR No. 73945

+ 1 cc TO The Special Government Pleader in SR No. 74114

krk

AE/SV/SAR2/23.07.2018/2P/6C

**W.P. (MD) No.3126 of 2018
and**

**W.M.P. (MD) No.3280 of 2018
19.07.2018**