



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2018

CORAM:

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.(MD) No.4497 of 2018

and

W.M.P.(MD) No.4603 of 2018

Jothi Primary School
rep.by its Secretary A.DuraiKany
Educational Agency of Jothi
Primary School
Lakshmipuram, V.K.Pudur Taluk
Tirunelveli District

... Petitioner

vs.

1.The District Registrar
O/o.the District Registrar
Tenkasi, Tirunelveli District

2.The Chief Educational Officer
Tirunelveli District
Tirunelveli-9

3.The District Elementary Educational Officer
Tirunelveli

4.The Assistant Elementary Educational Officer
Alangulam
Alangulam Taluk, Tirunelveli District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records relating to the impugned order passed by the 4th respondent in his proceedings ஓ.மு.எண் .374/ஆ5/2018 dated 16.02.2018 and quash the same as illegal and consequentially to direct the respondent No.3 & 4 to approve the school committee for the period between 01.05.2017 and 30.04.2020.

For Petitioner : Mr.Ajmal Khan, Senior Counsel
for M/s.Ajmal Associates

For Respondents : Mr.M.Murugan
Government Advocate for R1

Mrs.S.Srimathy
Special Government Pleader for R2 to R4

**O R D E R**

The petitioner's School is a Private Aided School run by a Society registered under the Tamil Nadu Societies Registration Act, 1975. In the General Body meeting conducted on 01.05.2017, the petitioner had been elected as Secretary of the School-Committee. Thereafter, Form VII was submitted to the District Registrar, Tirunelveli, and the same had also been taken on file. Subsequently, a proposal for approval of the School-Committee was submitted to the fourth respondent enclosing all the necessary certificates and forms. On receipt of the proposal, the fourth respondent, on 17.08.2017, raised certain queries, for which appropriate explanation was also given on 19.01.2018. However, the fourth respondent, by the impugned proceedings dated 16.02.2018, informed the petitioner that there are three litigations pending in Court, namely, W.P.(MD) Nos.16363 of 2012 & 6718 of 2015, on the file of this Court and O.S.No.193 of 2017, on the file of the Principal Sub Court, Tenkasi and therefore, the proposal cannot be taken forward.

2. According to the learned counsel for the petitioner, the writ petitions are pertaining to the earlier period of litigation and the period was already over and therefore, it cannot be cited as a ground for returning of the proposal. In regard to the pendency of the civil proceedings in O.S.No.193 of 2017 is concerned, admittedly there is no interim order and therefore, there is no legal impediment for the fourth respondent to take further action on the approval sought by the School-Committee.

3. Upon notice, Mr.M.Murugan, learned Government Advocate entered appearance for the first respondent and Mrs.S.Srimathy, learned Special Government Pleader, entered appearance for the respondents 2 to 4 and they would submit that in view of the fact that there is no interim order either in the writ petitions pending before this Court or in the suit pending before the Principal Sub Court, Tenkasi, the fourth respondent may be directed to take a decision in regard to the proposal sent by the petitioner within a time stipulated by this Court.

4. Considering the facts and circumstances of the case, the writ petition is allowed and the impugned order passed by the fourth respondent, dated 16.02.2018, is set aside. The respondents 3 and 4 are directed to approve the School-Committee for the period between 01.05.2017 and 30.04.2020 as per the proposal submitted the petitioner's School-Committee and Form-VII, within a period of four weeks from the date of receipt of a copy of the proposal. However, it is made clear that such approval of the petitioner's School-Committee is subject to the outcome of the above mentioned pending civil suit. No costs. Consequently,



connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

WEB COPY/True Copy/

Sub Assistant Registrar(CS-IV)

To:

- 1.The District Registrar,
O/o.the District Registrar,
Tenkasi, Tirunelveli District.
- 2.The Chief Educational Officer,
Tirunelveli District, Tirunelveli-9.
- 3.The District Elementary Educational Officer,
Tirunelveli.
- 4.The Assistant Elementary Educational Officer,
Alangulam, Alangulam Taluk,
Tirunelveli District.

+1cc to Mr.Ajmal Associates, Advocate Sr.No.80166

+1cc to Special Government Pleader, Advocate Sr.No.80942,80282

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and
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KRK

DS/SV/SAR 4/03.10.2018/3P/7C