



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.(MD) Nos.4648, 16647 & 17951 of 2018
and

W.M.P.(MD) Nos.4720, 4721, 14732, 15830 & 15831 of 2018

St.Antony's Elementary School,
Kallathupatti School Education Committee,
rep.by its Secretary A.Alexis,
Kallathupatti,
Thamaraipadi Post,
Dindigul-624 005 ... Petitioner in W.P.(MD) Nos.4648
& 17951 of 2018

St.Antony's Aided Primary School,
Kallathupatti,
Thamaraipadi,
Dindigul-624 005
rep.by its Secretary / Educational Agency
Arulanantham ... Petitioner in W.P.(MD) No.16647
of 2018

vs.

The District Elementary Educational Officer,
Dindigul.

The Assistant Elementary Educational Officer,
Dindigul Rural,
Dindigul District.

The Tahsildar,
Dindigul East,
Dindigul District.

... Respondents 1 to 3 in
W.P.(MD) No.4648 of 2018

A.Arulanandam ... R4 in W.P.(MD) Nos.4648 &
17951 of 2018

The Secretary to Government,
Education Department,
State of Tamil Nadu,
Secretariat, St.Fort George, Chennai-9



The Director of Elementary
School Education,
College Road, Chennai-6

... R1 & R2 in W.P.(MD) No.16647
of 2018

The District Educational Officer,
Dindigul District, Dindigul.

... R3 in W.P.(MD)
No.16647 of 2018 &
R2 in W.P.(MD) No.17951 of 2018

The Block Educational Officer,
Dindigul Rural, Dindigul

... R4 in W.P.(MD) No.16647/2018
& R3 in W.P.(MD) No.17951 of 2018

The Chief Educational Officer,
Dindigul.

... R1 in W.P.(MD) No.17951 of 2018

PRAYER (in W.P.(MD) No.4648 of 2018): Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents 1 and 2 to approve the proposal for school committee submitted by the petitioner dated 17.01.2018.

PRAYER (in W.P.(MD) No.16647 of 2018): 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 orders passed by the third respondent in Na.Ka.No.3624/A2/2018, dated 05.07.2018 and quash the same and consequently to direct the third respondent to approve the proposal submitted by the petitioner on 05.05.2018 within a stipulated time.

PRAYER (in W.P.(MD) No.17951 of 2018): 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 orders passed by the second respondent in Na.Ka.No.3624/A2/2018, dated 05.07.2018 and quash the same and consequently to direct the respondents 2 and 3 to approve the proposal submitted by the petitioner dated 17.01.2018.

For Petitioner
(in W.P.(MD) Nos.4648
& 17951 of 2018)

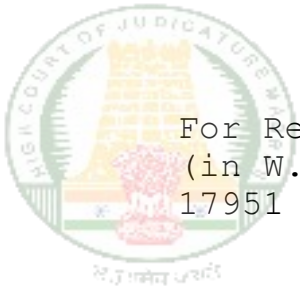
: Mr.V.Panneer Selvam

For Petitioner
(in W.P.(MD) No.16647
of 2018)

: Mr.T.A.Ebeneser

For Respondents 1 to 3
(in W.P.(MD) Nos.4648 &
17951 of 2018 and for

: Mrs.S.Srimathy
Special Government Pleader



For Respondent No.4
(in W.P.(MD) Nos.4648 &
17951 of 2018)

: Mr.T.A.Ebeneser

COMMON ORDER

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Since the issues involved in all the writ petitions are one and the same, they have been clubbed together, heard together and are being disposed of by this common order.

2. It appears that the petitioners are claiming right of Management in St.Antony Elementary School and St.Antonys Aided Primary School, Kallathupatti, Tamaraipadi Post, Dindigul District. Further, it appears that lot of issues have been raised in the present writ petitions, which involve adjudication of factual dispute between the petitioners herein. In view of the dispute between the petitioners herein, the official respondents have passed an order for direct payment of salary by the Government to the staff employed by the School. Such an action of the District Educational Officer, Dindigul, is put to challenge in W.P.(MD) Nos.16647 & 17951 of 2018.

3. As stated above, since this Court, which is exercising its extraordinary jurisdiction under Article 226 of the Constitution of India, cannot adjudicate the factual dispute between the parties concerned. Therefore, it has no other option except to dismiss the writ petitions as not maintainable leaving it open to the parties concerned to approach the appropriate Civil Court in order to establish their rival claims against each of them. Therefore, this Court is of the view that the present writ petitions cannot be entertained and the same are, therefore, dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-II)

To:

1. The Secretary to Government,
Education Department,
State of Tamil Nadu,
Secretariat, St.Fort George,
Chennai-9.



2. The District Elementary Educational Officer,
Dindigul.

3. The Assistant Elementary Educational Officer,
Dindigul Rural,
Dindigul District.

4. The Tahsildar,
Dindigul East,
Dindigul District.

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

6. The District Educational Officer,
Dindigul District, Dindigul.

7. The Block Educational Officer,
Dindigul Rural, Dindigul.

8. The Chief Educational Officer,
Dindigul.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 81776

+ 2 CC TO Mr.V.PANNEERSELVAM, ADVOCATE IN SR No. 81807 & 81808

+ 2 CC TO Mr.T.A.EBENEZER, ADVOCATE IN SR No. 81539 & 81541

KRK

TE/PM/SAR-2 : 01/10/2018 : 4P/14C

W.P.(MD) Nos.4648, 16647 & 17951 of
2018

and

W.M.P.(MD) Nos.4720, 4721, 14732, 15830
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31.08.2018