



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.(MD) No.22444 of 2015

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K.Kathiresan
Son of Kanagaraj
Secretary
Hindu Nadar High School
Pudur-628 905
Vilathikulam Taluk
Thoothukudi District

... Petitioner

vs.

1.The Director of School Education
Chennai

2.The Chief Educational Officer
Thoothukudi District, Thoothukudi

3.The District Educational Officer
Kovilpatti, Thoothukudi District

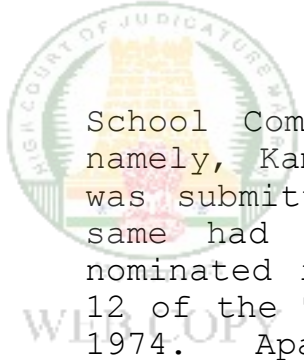
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the records relating to the impugned order dated 18.11.2015 in Na.Ka.No.5325/A2/2015 passed by the third respondent and quash the same and consequentially directing the third respondent to approve the school committee and secretaryship of the Hindu Nadar High School, Pudur, Vilathikulam Taluk, Thoothukudi District, as per the application of the petitioner dated 09.10.2015.

For Petitioner : Mr.J.Barathan
For Respondents : Mrs.S.Srimathy
Special Government Pleader

O R D E R

The petitioner's School is a Government Aided School run by a Society registered under the Tamil Nadu Societies Registration Act, 1975. In the last election conducted on 28.12.2014 for the post of office bearers of the Society, Kamaraj, Sakthivel and Murugan were elected as Secretary, President and Treasurer respectively. Thereafter, The Society submitted Form VII to the Registrar of Societies, Thoothukudi, and the same had been taken on file. According to the petitioner, the election, declaration of results and Form VII had not been challenged by anybody before the Court of law and hence, there was no rival claim for the office bearers. Subsequently, in the extraordinary general body meeting conducted on 06.09.2015, the petitioner had been elected as Secretary for the



School Committee in the place of the earlier elected Secretary, namely, Kamaraj. Thereafter, a fresh Form VII, dated 22.09.2015, was submitted to the Registrar of Societies, Thoothukudi, and the same had also been taken on file. Subsequently, the Society nominated its representatives for the School Committee as per Rule 12 of the Tamil Nadu Recognized Private Schools (Regulation) Rules, 1974. Apart from the above elected representatives, the School Committee also consists of the Head Mistress, three senior most Teachers and a nominee of the Parents-Teachers Association.

2. Thereafter, a proposal for approval of the change of Secretaryship and change of constitution of the School Committee was submitted to the third respondent on 09.10.2015 enclosing all the necessary certificates and forms. On receipt of the proposal, the third respondent, on 03.11.2015, raised certain queries, for which appropriate explanation was also given on 06.11.2015. At this juncture, the third respondent, by the impugned proceedings dated 18.11.2015, informed the petitioner that there are two litigations pending in Court, one is W.P.(MD) No.14541 of 2014, on the file of this Court and the another one is O.S.No.48 of 2014, on the file of the District Munsif Court, Vilathikulam and therefore, the proposal cannot be taken forward.

3. According to the learned counsel for the petitioner, although there were no interim orders either in O.S.No.48 of 2014 or in W.P.(MD) No.14541 of 2014, still the third respondent refused to grant approval for change of composition of the School Committee.

4. The learned counsel for the petitioner would submit that during the pendency of the present writ petition, the writ petition in W.P.(MD) No.14541 of 2014 was disposed of on 06.10.2017 and the suit in O.S.No.48 of 2014 was also disposed of on 04.06.2018. Therefore, the learned counsel for the petitioner would submit that there is no legal impediment for the third respondent to take further action on the approval sought by the School Committee.

5. Upon notice, Mrs.S.Srimathy, learned Special Government Pleader, entered appearance for the respondents and would submit that in view of the removal of impediment, the third respondent may be directed to take a decision in regard to the proposal sent by the petitioner within a time stipulated by this Court.

6. Considering the subsequent developments, this Court would pass the following directions:

- i. The third respondent is directed to take a decision on the proposal sent by the petitioner - School and grant approval of change of constitution of the School Committee as sought by the petitioner - School in terms of the regulations in the Rules governing such approval and if the proposal satisfies all the norms, the third respondent shall grant



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approval to the proposal submitted by the petitioner - School.

- ii. The decision must be taken in this regard by the third respondent within a period of four weeks from the date of receipt of a copy of this order.

7. With the above directions, the writ petition stands disposed of. No costs.

Sd/

Assistant Registrar (Crl Side)

/True copy/

Sub Assistant Registrar (CS-III)

To:

1.The Director of School Education,
Chennai.

2.The Chief Educational Officer,
Thoothukudi District,
Thoothukudi.

3.The District Educational Officer,
Kovilpatti,
Thoothukudi District.

+2cc to Mr.T.R.JEYAPALAM, Advocate, SR.No.79756

+1cc to M/s.Special Government Pleader,SR.No.79938

W.P.(MD) No.22444 of 2015
23.08.2018

KK/SV/SAR-3/11.09.2018/3P-7C