

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 18.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.37408 of 2003

NEYVELI LIGNITE CORPN.LTD.
REP.BY ITS COMPANY SECY.
NEYVELI.

... petitioner

Vs

1 THE SECY. EDUN.DEPT. GOVT
OF TAMILNADU CHENNAI-32.

2 THE JOINT DIRECTOR OF SCHOOLS
(SECONDARY EDN.) GOVT. OF TN CHENNAI.

3 THE CHIEF EDUCATIONAL OFFICER
CUDDALORE DISTRICT
CUDDALORE.

4 THE DT.EDUCATIONAL OFFICER
CUDDALORE DISTRICT
CUDDALORE.

... respondents

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records on the file of the respondents leading to the issue of the impugned order No.2280/A3/2002, dated 7.4.2003 by the 4th respondent and quash the same and direct the respondents to permit the Common School Committee of the aided schools of the petitioner's Corporation to discharge all functions of a school committee in terms of the Tamil Nadu Recognized Private Schools (Regulations) Act, 1973.

For petitioner ... Mr.N.A.K. Sarma

For respondents ... Mr.K.Karthikeyan,
Government Advocate

O R D E R

The order impugned dated 7.4.2003 issued by the District Educational Officer, Cuddalore states that approval of School Committee may not be granted in view of the fact that the rules

are not amended. Challenging the said communication dated 7.4.2003, Neyveli Lignite Corporation Ltd., has filed this writ petition.

2. The learned counsel for the petitioner made a submission that 15 aided schools are functioning under the control of NLC Ltd and a Common School Committee has been constituted for the purpose of administering the schools as per the procedures contemplated under the Tamil Nadu Recognized Private Schools Regulation Act, 1973.

3. The learned counsel for the petitioner states that Section 50 of the Private Schools Regulation Act enumerates constitution of School Committee. The said section was amended so as to accord permission to the management to constitute a Common School Committee if they are administering or maintaining more than one private school. Admittedly, the petitioner is managing 15 aided schools and Common School Committee has already been constituted and is functioning. Therefore, the impugned order is in violation of the amendment made in Section 15 of the Act itself.

4. The learned Government Advocate appearing on behalf of the respondents opposed the contention by stating that the impugned order has been passed on the ground that pursuant to the amendment in the Act, Rules are not amended. Unless the Rules are amended, it may not be proper on the part of the authorities in granting approval of such Common School Committee in respect of the 15 schools administered by the petitioner.

5. This court is of the considered opinion that the very proposition mooted out by the learned Government Advocate is contrary to the established legal principles. Once an Act is amended, enabling the management to constitute a Common School Committee, amendment of Rules is only a follow up procedure and the same cannot be a bar for according approval to the constitution of such committee. Section 15(1) of the Tamil Nadu Recognized Private Schools Regulations Act reads as under :

15. (1) every private school shall have a duly constituted school committee which shall include the headmaster of the private school and the senior most teachers employed in the private school provided in sub-section(2).

6. The Amendment incorporated under Tamil Nadu Act 16/1995 categorically enumerates that a company or corporation owned or controlled by the central or state government and such educational agency has established and administering or maintaining more than one private school, such private schools may with the prior permission of the Competent Authority have a

common school committee consisting of all heads of such private schools and such number of senior most teachers employed in such private schools as provided in sub section (2).

7. Thus, the requirement is that Common School Committee must be constituted strictly in accordance with the requirements contemplated under Section 15 of the Act. In the event of constituting committee in accordance with Section 16 of the Act, the respondents are bound to consider the case of the Writ Petitioner for grant of approval in respect of Common School Committee. The learned counsel for the petitioner states that the Common School Committee is continuing even as of now and till date, prior approval has not been granted by the competent authorities on account of the pendency of the present writ petition.

8. Under these circumstances, the Writ Petitioner is directed to submit an application along with the details of the constitution of Common School Committee with reference to Section 15 of the Tamil Nadu Recognized Private Schools Regulations Act, within a period of four weeks from the date of receipt of a copy of this order. On receipt of application from the petitioner, the respondents are directed to accord approval by following the procedures contemplated under the Act and grant the same if the petitioners are otherwise eligible, and fulfilled the conditions stipulated under the provisions of the Act. Accordingly, the impugned order passed by the 4th respondent in proceeding No.2280/A3/2002, dated 7.4.2003, is quashed and the writ petition stands allowed. No costs. Consequently, W.P.M.P.No.45412 of 2003 is closed.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1 THE SECY. EDUN.DEPT. GOVT
OF TAMILNADU CHENNAI-32.
- 2 THE JOINT DIRECTOR OF SCHOOLS
(SECONDARY EDN.) GOVT. OF TN CHENNAI- 600 006

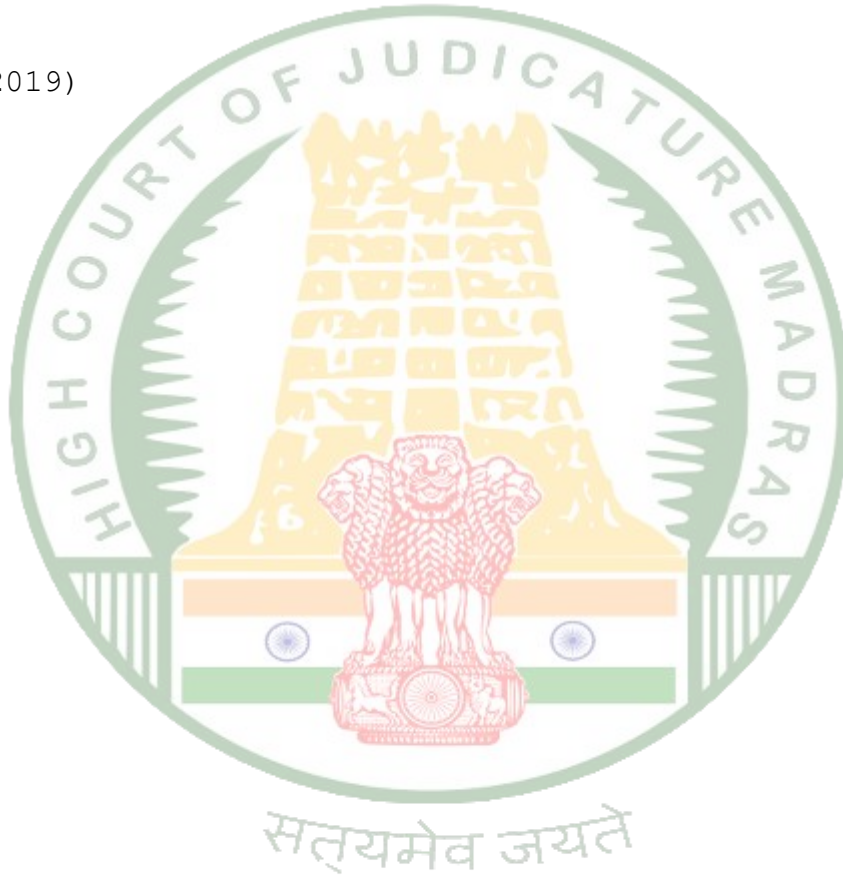
3 THE CHIEF EDUCATIONAL OFFICER
CUDDALORE DISTRICT
CUDDALORE.

4 THE DISTRICT EDUCATIONAL OFFICER
CUDDALORE DISTRICT
CUDDALORE.

+lcc to Mr. N.Nithianandam, Advocate, S.R.No. 4505

W.P. No.37408 of 2003

GN(18/02/2019)



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