

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.13923 of 2005
W.P.M.P.No.15236 of 2005

S.Muruganandam

...Petitioner

vs.

1. The Chief Educational Officer-cum-District Project Convener,
"Sarva Siksha Abiyan Project".
2. The Assistant Elementary Educational Officer,
Kadayampatti,
Salem District.
- 3.Mr.B.Palanichamy. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records on the file of the first and second respondents relating to the impugned order of the first respondent bearing Ref.Na.Ka.No.105/Building/2004 dated 05.04.2005 and the order of the second respondent bearing Ref.U.M.No.5/A1/2005 dated 11.04.2005, quash the same.

For Petitioner: Mr.N.U.Prasanna
for SAI BHARATH & ILAN

For Respondents: M/s.P.Kavitha
Government Advocate (Education)

ORDER

This writ petition has been filed for issuance of a Writ of a Certiorarified Mandamus, to call for the records on the file of the first and second respondents relating to the impugned order of the first respondent bearing Ref.Na.Ka.No.105/Building/2004 dated 05.04.2005 and the order of the second respondent bearing Ref.U.M.No.5/A1/2005 dated 11.04.2005, quash the same.

2. The case of the petitioner is that the petitioner is a resident of Kadayampatti Village and also the President of the Parents and Teachers Association and also a ward member of the Kadayampatti Union. The Central Government Act had formulated a Scheme known as "Sarva Siksha Abiyan" (SSA) by which grant-in-aid are distributing to each and every village in respect of expenses towards establishment of school buildings, enrolment of the students for primary school for educating all in the rural India.

3. All the above things are to be executed through a committee known as Village Education Committee and the said committee has to be formed by the first respondent herein, along with the Headmaster of the school and a village member.

4. On 06.06.2002, the Village Education Committee was constituted by the Project Officer and the Headmaster of Kadayampatti School, consisting of 13 members of which the third respondent herein was designated as the president. While so, on 20.11.2002, sanction was given for putting up of a building consisting of three class rooms for Kadayampatti Middle School. As such separate committees were constituted for the purpose of supervision of the construction work and procurement of materials and also looking after the accounts, in which the third respondent herein was also a member.

5. The petitioner further stated in the affidavit that the third respondent herein insisted that all the building materials procured by the committee are not proper and that the materials should be purchased only through him and he also refused to sign in the cheque to be issued towards the Cement Agent . Thereafter, on 29.11.2002, the Village Education Committee was reconvened by the SSA Project Officer and Chief Engineer and on their advice, the existing Village Education Committee was dismantled and a new committee was formed, in which the petitioner was elected as a President of the new Committee. While so, the petitioner was shocked and surprised to receive an order dated 11.04.2005, passed by the second respondent herein, thereby appointing the third respondent herein as the President of the Village Education Committee. On an enquiry with the second respondent, it was revealed that it is pursuant to the order dated 05.04.2005 of the first respondent herein, whereby the first respondent has ordered appointment of the third respondent as the President of the Village Education Committee, Kadayampatty. Challenging the same, the present writ petition is filed.

6. Though the petitioner has filed a writ petition for challenging the appointment of the third respondent herein as

the President of the Village Education Committee in the year 2005, the term of the petitioner as the ward member of the Kadayampatti Union and the third respondent herein as the president of the Village Education Committee has already expired. After a lapse of 14 years, nothing survives for further adjudication in this writ petition. Accordingly, the writ petition stands closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. The Chief Educational Officer-cum-District Project Convener,
"Sarva Siksha Abiyan Project".
2. The Assistant Elementary Educational Officer,
Kadayampatti,
Salem District.

+1cc to the Government Pleader Sr.70839

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srg 26/09/2019

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