

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 07.03.2019

CORAM
THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.4378 of 2019

Tamil Nadu Private School
Teachers Sangam,
Rep by its General Secretary K.Palani,
Plot No.22, Ideal Avenue,
Ellapuram, Periyapalayam Post,
Uthukottai Taluk,
Thiruvallur District 601 102.

.. Petitioner

Vs.

1. State of Tamil Nadu,
Rep by its Principal Secretary to Government,
Department of School Education,
Fort St.George,
Chennai 600 009
2. The Director of School Education,
O/o.Director of School Education,
Chennai - 600 006.
3. The Chief Educational Officer,
Chennai District,
Saidapet, Chennai 600 015.
4. The Correspondent/Secretary,
YMCA Sports High Secondary School,
Nandanam, Chennai 600 035.

.. Respondents

* * *

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus to call for the records on the file of the first respondent in Ref.No.18307/156(1) 2019 - 9 dated 20.12.2018 and quash the same and consequently directing the first respondent to initiate proceedings against the respondents 2 to 4 on the representation dated 12.02.2015.

* * *

For Petitioner : Mr.D.Bharathy

For Respondent : Ms.P.Kavitha
Government Advocate (Edn)

O R D E R

Seeking to quash the order passed by the first respondent in Ref.No.18307/US 6(1) 2019 dated 20.12.2018 and consequently to direct the first respondent to initiate proceedings against the respondents 2 to 4 on the representation dated 12.02.2015, the petitioner is before this Court.

2. The petitioner is a registered Association with Registration No.REG 107/83 and claims to be working for the welfare of the Tamil Nadu Private School Teachers as well as the Staff in the Private Schools. According to the petitioner-Association, the fourth respondent-School is functioning under the control of the Delhi Y.M.C.A. National Council, New Delhi, and it is not a minority institution and they are misusing the power without any authority of law.

3. It is stated by the petitioner that the fourth respondent-School committed irregularities in collecting the funds on behalf of petitioner Association, which necessitated them to submit a representation dated 12.02.2015 to the first respondent to initiate proceedings against the respondents 2 to 4. The petitioner-Association had initiated various proceedings to prove that the fourth respondent-School is not coming within the purview of minority institution. Since the said representation was not considered by the first respondent, the petitioner has filed W.P.No.10533 of 2015 seeking a Writ of Mandamus to dispose of the representation, which was disposed of on 14.02.2018. In spite of the direction given by this Court to dispose of the petitioner's representation, the first respondent has not complied with the same resulting in their filing a Contempt Petition No.2414 of 2018 and the same was disposed of by this Court.

4. It is also stated that while the Contempt Petition was pending, an enquiry was conducted by the first respondent on 13.12.2018, wherein, the representatives of the school and educational authorities have participated. During the course of the enquiry, no documents were produced to show that the fourth respondent has got the minority status. However, the first respondent with a malafide intention to safeguard the first respondent institution has passed the impugned order rejecting the claim of the petitioner. Hence, the petitioner is before this Court.

5. Heard both sides and perused the materials available on record.

6. At the outset, it is to be stated that the very same petitioner filed W.P.No.8797 of 2015 seeking to quash the order of the first respondent herein rejecting their prayer to cancel the minority status granted to the YMCA College of Physical Education. This Court, while dismissing the said petition on 11.09.2018, held that the petitioner has no locus standi to question the minority status of the said college. Though it is claimed by the petitioner that W.A.No.348 of 2019 was filed against the said order, no interim order was granted in their favour. It is not known as to why the petitioner claims to be the association working for the welfare of the private school teachers and staff had questioned the minority status of the Physical Education College. The said writ petition was not a Public Interest Litigation. Hence, it was rightly dismissed by this Court questioning the locus standi. The petitioner is aware of the dismissal of the said writ petition. Even thereafter, the present writ petition is filed questioning the minority status given to the fourth respondent School.

7. Coming to the impugned order passed by the first respondent, this Court is of the view that the same needs no interference from this Court for the simple reason that the said order is passed relying upon the status quo order passed by this Court in C.S.No.345 of 1998, which stood transferred and pending on the file of the City Civil Court, Chennai, and renumbered as O.S.No.1200 of 2011, and the order dated 18.09.2008 made in W.P.No.22070 of 2008 and also the order of this court dated 27.02.2013 in W.P.Nos.26777 to 26781 of 2012. The contention of the petitioner that the status quo order has been granted without considering the judgment of the Apex Court in TMA Pai's case is not only unwarranted, but also scandalous.

8. Having failed in its attempts to get the minority status granted to the YMCA College of Physical Education cancelled by this Court in W.P.No.8797 of 2015 on 11.09.2018, the petitioner filed this writ petition on 04.02.2019, which is nothing but abuse of process of Court. It is to be noted that the petitioner has not even chosen to file the said order passed by this Court in the typed set of papers, but only produced the said order subsequently.

9. For the foregoing reasons, this Court is not only constrained to dismiss the writ petition, but also forced to impose costs on the petitioner to the tune of Rs.25,000/- (Rupees Twenty Five Thousand only) for abuse of process of Court and the cost is directed to be deposited by way of Demand Draft in favour of M/s.Vishranthi Home for Aged Destitute, Anthony Church, 20th Building, MGR Salai, Near Seashore Street, Palavakkam, Chennai-600 041, within a period of four weeks from the date of receipt of a copy of this order. No costs.

10. Post 'for compliance' on 15.04.2019.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government,
Department of School Education,
Govt. of Tamil Nadu,
Fort St. George, Chennai 600 009.
2. The Director of School Education,
O/o.Director of School Education,
Chennai - 600 006.
3. The Chief Educational Officer,
Chennai District,
Saidapet, Chennai 600 015.
4. The Correspondent/Secretary,
YMCA Sports High Secondary School,
Nandanam, Chennai 600 035.
- 5.M/s.Vishranthi Home for aged Destitute,
Anthony Church,
20th Building, MGR Salai,
Near Seashore Street,
Palavakkam, Chennai -41

+1cc to Mr.D.Bharathy, Advocate, S.R.No.21091
+1cc to the Government Pleader, S.R.No.22062

W.P.No.4378 of 2019

MP(CO)

rrs 27/03/2019

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