

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 23.05.2019

DELIVERED ON : 28.05.2019

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.14817 of 2019

and

W.M.P.No.14802 of 2019

Devi Nava Sakthi Middle School
No.10, Asudeen Khan Bahadur Street
Thiruvallikeni, Chennai - 600 005
rep.by its Manager & Correspondent
Smt.M.S.Devi Nava Sakthi
D/o S.M.Shanmuga Sundaram ...Petitioner

Vs

- 1.The Director of Elementary Education
DPI Campus, College Road, Chennai 600 006.
- 2.The Chief Educational Officer
Presidency Girls Higher Secondary School Campus
Egmore High Road, Egmore, Chennai - 600 008.
- 3.The District Educational Officer, Chennai East
Government Model Higher Secondary School
Campus, Kamarajar Salai, Chennai 600 005.
4. The Block Educational Officer,
Triplicane Range
Chennai - 600 005. ... Respondents

Prayer:- This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a writ of Certiorari to call for the records relating to the impugned order issued by the third respondent in Na.Ka.No.1752/Aa4/2019 dated 10.05.2019 and to quash the same.

For Petitioner : Mr.G.Sankaran

For Respondents: Mr.K.Karthikeyan,
Government Advocate (Education)

O R D E R

The writ petition is filed seeking a writ of Certiorari to call for the records relating to the impugned order issued by the third respondent in Na.Ka.No.1752/Aa4/2019 dated 10.05.2019 and to quash the same.

2. Mr.G.Sankaran, learned counsel for the writ petitioner contended that, by the impugned order dated 10.05.2019, the official respondents have effected direct salary credit to the school teachers in the school run by the petitioner, which is nothing but interference in the internal management of the school and the same is in violation of the Tamil Nadu Private Schools Regulation Act 1973 and he relied upon the decision reported in "1998 (3) CTC 753 (The Management of Papanasam Labour Welfare Association Higher Secondary School, Vikramasingapuram -Vs- The Chief Educational Officer, Tirunelveli and six others, to support his contention.

3. Mr.K.Karthikeyan, learned Government Advocate, taking notice on behalf of the respondents, submitted that the petitioner school is a middle school, established in the year 1945, having a total student strength of 7 students and teacher strength of 5, and in respect of two teachers, the annual increment has not been granted by the management for more than 20 years and more than 15 times, several notices have been issued to the petitioner school and taking into consideration, the interest and welfare of the students, direct payment of salary to the teachers has been ordered by the District Educational Officer, the third respondent herein.

4. After hearing both the counsel and also after perusing the documents filed in the typed set of documents, it is seen that the core issue that needs to be considered in this writ petition is, whether the action of the third respondent herein in ordering direct salary payment to the school teachers amounts to interference in the internal management of the petitioner school.

5. It is seen from the records that the petitioner school was established during the year 1945 with standards 1 to 5 with the laudable object of imparting primary education to the rural poor children. Subsequently, the school was upgraded as middle school with standards 6 to 8 in the year 1961. After the advent of Tamil Nadu Recognised Private Schools (Regulation) Act, 1973, the school has been granted with permanent recognition for the standards 1 to 5 and the recognition for standards 6 to 8 has been periodically renewed. The school has been granted with the aid for salary grant and therefore it is an aided school. In

the year 2002, a teacher working in the school by name T.Vijaya was transferred with post as surplus teacher, contrary to the students strength and Government Orders and the same was objected by the school management. While so, on 06.01.2003, the District Elementary Educational Officer (DEEO) issued orders for direct payment of the school. Thereafter, the school management has given explanation to the issue by referring to the fact that there is no surplus teacher working in the school and finally the direct payment was revoked by the order of DEEO, Chennai dated 31.12.2003.

6. The school is admittedly a grant-in-aid school and as submitted by the learned Government Advocate, the total strength of the students is 7 and 5 teachers are working in the school. As per the impugned order, for two teachers out of the said 5 teachers, annual increment has not been granted for more than 20 years and necessary communication has been sent to the petitioner school, which is not in dispute. Further more, the various queries raised by the third respondent with regard to the students of the school, whether it has been run by the individual or society and whether necessary renewal has been made periodically once in three years and details regarding the powers of Headmaster and Executive Officer, remained unanswered. There is also a communication sent by the Education Department to the petitioner school, stating that the building soundness certificate has expired as early as on 30.06.2011 and the inspection report in November 2017 also raises serious doubt as to the safety of the students inside the school building. Further more, for standards 6 to 8, three graduate teachers are there and only seven students are studying in the said standards, thereby causing huge monetary loss to the Government, since the petitioner school is receiving grant-in-aid. Even after a lapse of 40 years of getting temporary recognition, granted in the year 1976, permanent recognition has not been applied for by the school, in the prescribed format.

7. Therefore, taking into consideration the entirety of the facts of the case, as could be seen from the impugned order, the third respondent has rendered a finding that the temporary recognition has been granted to the school to run standards 6, 7 and 8 in the year 1976 has not been still renewed and hence the impugned order of the third respondent, ordering direct payment of salary to the school teachers, does not appear to be illegal or irregular.

8. That apart, taking into consideration the various irregularities, the very least strength of students and teachers, and that the annual increment not being granted to two of the teachers for more than 20 years, the action of the third respondent in ordering direct payment of salary to the teachers

working in the petitioner school, cannot be termed as violation or infringing into the internal management of the school and the same is found to be just and proper.

9. Accordingly, on the facts and circumstances of the case, the decision relied upon by the learned counsel for the petitioner viz., 1998 (3) CTC 753 (The Management of Papanasam Labour Welfare Association Higher Secondary School, Vikramasingapuram -Vs- The Chief Educational Officer, Tirunelveli and six others, is not applicable to the present case on hand, on merits and on the factual matrix of the case cited supra. Hence, I am not inclined to interfere with the impugned order passed by the third respondent dated 10.05.2019 and the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.
Kst

Sd/-

Assistant Registrar (V.O)

//True Copy//

Sub Assistant Registrar

To

1. The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600006.
2. The Chief Educational Officer,
Presidency Girls Higher Secondary
School Campus, Egmore High Road,
Egmore, Chennai.
3. The District Educational Officer,
Chennai East Govt Modal Higher Secondary
School Campus, Kamarajar Salai,
Chennai - 600 005.
4. The Block Educational Officer,
Triplicane Range, Chennai - 600 005.

W.P.No.14817 of 2019

Kak (28/05/2019)