

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.30832 of 2018 and
W.M.P.Nos.35975 of 2018 and 3827 of 2019

Sri Krishna Vidhyalaya Aided Middle School,
No.13, Somu Street,
Ranipet, Walajah Taluk Vellore District,
Rep.by its Manager N.Jaisri Kothai.
.. Petitioner

Vs.

1. The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 6.
 2. The Joint Director of Elementary Education (Aided),
DPI Campus College Road, Chennai - 6.
 3. The Chief Educational Officer,
Vellore - 9.
 4. The District Educational Officer,
Ranipet Vellore - 4.
 5. The Block Education Officer,
Walajah East, Ranipet,
Vellore District - 632 401.
- .. 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 relating to the impugned
order passed by the fourth respondent in Na.Ka.1251/A3/2018
dated 07.11.2018 and quash the same.

For Petitioner

: Ms.Dakshayani Reddy
for Mr.K.H.Ravikumar

For Respondents

: Mr.K.Karthikeyan
Government Advocate

O R D E R

The writ petition has been filed by the petitioner challenging the impugned order dated 07.11.2018 passed by the fourth respondent in his proceedings in Na.Ka.No.1251/A3/2018.

2. The petitioner-school is an Aided Middle School having classes from I to VIII. The school has been running from the year 1952. The challenge now is to the proceedings of the fourth respondent in Na.Ka.No.1250/A3/2018 dated 07.11.2018, whereby, the fourth respondent had passed an order bringing the school under direct payment, without issuing any notice as contemplated under the Rules. The impugned order points out three deficiencies. According to the petitioner, all the three deficiencies pointed out by the fourth respondent are already complied with. Challenging the impugned order, the petitioner had already preferred an appeal before the third respondent on 14.11.2018. The petitioner raised the same grounds in the said appeal that are raised before this Court including the violation of the principles of natural justice.

3. Heard Mr.K.Karthikeyan, learned Government Advocate appearing on behalf of respondents.

4. As the impugned order brought the petitioner-school under direct payment without giving notice and affording an opportunity to the petitioner, this Court had stayed the impugned order and the same is in force till today. Though the appeal was filed in November 2018, the same could not be proceeded with, in view of the order of interim stay.

5. The argument of the learned counsel appearing for the petitioner is focused mainly on the question of not granting an opportunity to the petitioner before the impugned order being passed.

6. According to the learned counsel for the petitioner, had an opportunity being provided to the petitioner, he would have had an occasion to produce all the relevant records with respect to the deficiencies pointed out. As admittedly, no notice was issued and the petitioner has preferred an appeal before the third respondent, this Court is of the view that it would suffice if a direction is given to the third respondent to dispose of the appeal filed by the petitioner.

7. Accordingly, the third respondent is directed to dispose of the appeal filed by the petitioner and pass appropriate orders, after affording her an opportunity of personal hearing on merits and in accordance with law. On production of records before the said authority, it is open to the third respondent to enquire the teaching and non-teaching staff of the school in this regard. However, the said exercise of enquiry shall be completed within a period of four weeks from the date of receipt of a copy of this order.

8. With the above directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

9. Status-quo as on date shall continue till the disposal of the appeal.

Sd/-

Assistant Registrar(CS vi)

//True Copy//

Sub Assistant Registrar

av/rsi
To

1. The Director of Elementary Education,
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5. The Block Education Officer,
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Vellore District - 632 401.

+1cc to Mr.R.Venkatesan , Advocate SR.No.11738

+1cc to Mr.K.H.Ravikumar, Advocate SR.No.11739

+1 CC TO GOVERNMENT PLEADER SR.NO. 12846

W.P.No.30832 of 2018

A.SK(08/03/2019)