



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) Nos.12247 and 16671 of 2014

and

M.P. (MD) Nos.2, 1, 2 of 2014

and

W.M.P. (MD) No.8124 of 2016

1.Y.Roselyn
2.S.Regina
3.M.Sethupathy
4.P.Indira
5.Leema Rose
6.K.Hepzibah Gnana Kumari
7.A.Solomon Vijaya Kumar
8.N.Subbulakshmi
9.I.Rita Monohari
10.K.Parvatha
11.U.Manikandan
12.T.Chithambaram
13.V.Karlile Prapa
14.Petchimuthu @ Deivendra Kumar ... Petitioners
in W.P. (MD) No.12247 of 2014
Adi Diravida High School,
Represented by its Manager,
J.R.John Samuel Nallathambi,
Ramayanpatty-627 358,
Tirunelveli District. ... Petitioner
in W.P. (MD) No.16671 of 2014

-Vs-

1.The District Collector,
Tirunelveli, Tirunelveli District.
2.Director of School Education,
DPI Campus, College Road,
Nungambakkam,
Chennai-600 006.
3.Chief Educational Officer,
Collector Office Campus,
Tirunelveli.
4.District Educational Officer,
Tirunelveli.



5.The Manager,
Adhi Dravidar High School,
Ramayanpatti, Tirunelveli.

6.John Samuel Nallathambi,
Manager, Adhi Dravidar High School,
Ramayanpatti, Tirunelveli.

...Respondents
in W.P.(MD)No.12247 of 2014

1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education,
Fort St. George, Chennai-09.

2.The Director of School Education,
College Road, Nungambakkam,
Chennai-6.

3.The Chief Educational Officer,
Chief Educational Campus,
Kokkarakulam, Tirunelveli-627 009,
Tirunelveli District.

4.The District Educational Officer,
S.N.High Road, Tirunelveli-627 001,
Tirunelveli District.

5.V.Dora ... Respondents
in W.P.(MD)No.16671 of 2014

Prayer in W.P.(MD)No.12247 of 2014: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent No.4 to order direct payment of salary to the petitioners of 5th respondent school which is pending from February, 2014, and in line with special circumstances as stipulated in Rule 19 r/w Annexure III of the Tamil Nadu Recognized Private Schools (Regulation) Rules 1974, and consequentially direct the respondents 1 to 4 to initiate appropriate actions to conduct comprehensive enquiry into the allegations levelled against the 5th respondent school managed by the 6th respondent in light of the representations dated 23.06.2014 presented to the 4th respondent and representation dated 13.06.2014 presented through the association to the second respondent within the period that may be stipulated by this Court.

Prayer in W.P.(MD)No.16671 of 2014: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order of direct payment in Na.Ka.No.788/A4/2014, dated 29.09.2014 on the file of the respondent No.4 and quash the same as illegal.



For Petitioners : Mr.A.Nawaz Khan,
For M/s.Ajmal Associates.
For R1 to R4 : Mrs.S.Srimathy,
Special Government Pleader.
For R5 : Mr.T.Lajapathi Roy
For R6 : No Appearance

W.P.(MD)No.16671 of 2014

For Petitioner : Mr.B.Anandan
For R1 to R4 : Mrs.S.Srimathy,
Special Government Pleader.
For R5 : No Appearance

ORDER

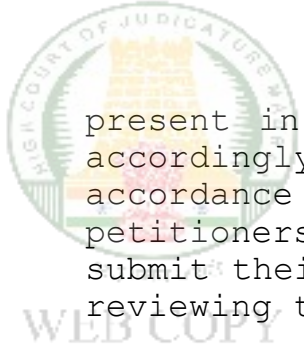
The relief sought for in W.P.(MD)No.12247 of 2014 is for a direction to direct the fourth respondent to order direct payment of salary to the petitioners of 5th respondent school which is pending from February, 2014, and in line with special circumstances as stipulated in Rule 19 r/w Annexure III of the Tamil Nadu Recognized Private Schools (Regulation) Rules 1974, and consequentially, direct the respondents 1 to 4 to initiate appropriate actions to conduct comprehensive enquiry into the allegations levelled against the 5th respondent school managed by the 6th respondent in light of the representations dated 23.06.2014 presented to the 4th respondent and representation dated 13.06.2014 presented through the association to the second respondent within the period that may be stipulated by this Court.

2.The order of direct payment of salary issued by the fourth respondent dated 29.09.2014 is sought to be quashed in W.P.(MD) No.16671 of 2014.

3.The learned counsel appearing on behalf of the fifth respondent / Adhi Dravidar High School made a submission that the impugned direct payment of salary issued in proceeding dated 29.09.2014 lost its significance. The direct payment order was passed during the year 2014, based on certain facts and circumstances prevailing during the relevant academic year. On account of the efflux of time, many changes took place in the school and now, the school is running with 37 students alone. During the relevant point of time, there were 350 students and currently, students strength in the school is only 37.

4.This being the factum, other aspect of the matter is to be reviewed by the competent educational authorities with reference to the statutes and the rules in force. The facts and circumstances, which were narrated with reference to the happenings of the year 2014, cannot be now considered, in view of the fact that only 37 students are studying in the school as of now.

5.Under these circumstances, the respondents 2 to 4 are directed to consider all the facts and circumstances prevailing at



present in the school with reference to the inspection report and accordingly, take a decision and pass orders on merits and in accordance with law, as expeditiously as possible. The writ petitioners as well as other interested parties are at liberty to submit their objections or representations to the authorities, while reviewing the orders earlier passed.

6.This being the factum, the respondents 2 to 4 are directed to review the entire situation based on the current facts and circumstances and pass orders, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7.In respect of the order passed for direct payment, the system is also to be reviewed based on the current facts and circumstances. In this regard, the authorities are bound to conduct an enquiry by following the procedures contemplated under the statutes and the rules.

8.With these directions and observations, these Writ Petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The District Collector,
Tirunelveli, Tirunelveli District.
- 2.Director of School Education,
DPI Campus, College Road,
Nungambakkam,
Chennai-600 006.
- 3.Chief Educational Officer,
Collector Office Campus,
Tirunelveli.
- 4.The Principal Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai-09.
- 5.The District Educational Officer,
S.N.High Road, Tirunelveli-627 001,
Tirunelveli District.



+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-71928[F] dated 27/06/2019)

+1 CC to M/s.SPL GP (SR-72144[F] dated 28/06/2019)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-72565[F] dated 01/07/2019)

+1cc to Mr.B.ANANDAN, Advocate, SR.No.72234

W.P. (MD) Nos.12247 and 16671 of 2014

27.06.2019

MYR

KK/SAR/10.07.2019/5P-10C