



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.20746 of 2019

and

W.M.P (MD)No.17368 of 2019

WEB COPY

The Secretary,
Saliyar Primary School,
Samusigapuram-626 102,
Virudhunagar District.

... Petitioner

Vs.

1.The Director of Elementary Education,
College Road,
Chennai-600 006.

2.The Chief Educational Officer,
Virudhunagar District at Virudhunagar.

3.The District Educational Officer,
Srivilliputhoor,
Virudhunagar District.

4.The Block Educational Officer,
Rajapalayam,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent District Educational officer to approve the appointment of the petitioner as Secretary of the School, namely, Saliyar Primary School, Samusigapuram, Virudhunagar District for the triennium from 06.11.2018 to 05.11.2021.

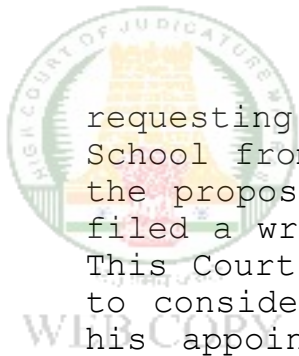
For Petitioner : Mr.S.Xavier Rajini

For Respondents : Mr.M.Karuppasamy,
Government Advocate

ORDER

This writ petition is filed for a direction to the third respondent to approve the appointment of the petitioner as Secretary of the School, namely, Saliyar Primary School, Samusigapuram, Virudhunagar District, for the triennium from 06.11.2018 to 05.11.2021.

2. According to the petitioner, he was appointed as Secretary of the petitioner's School on 05.11.2003 and the same was approved by the third respondent. Subsequently, the third respondent approved the appointment once in three years. When the petitioner submitted an application to the third respondent on 06.11.2015,



requesting to approve him as the Secretary of the petitioner's School from 06.11.2015 to 05.11.2018, the third respondent returned the proposal, by the proceedings dated 01.02.2016. The petitioner filed a writ petition in W.P(MD)No.16471 of 2017 before this Court. This Court by order dated 13.12.2017, directed the third respondent to consider the proposal submitted by the petitioner for approving his appointment as per Rule 12(5) of the Tamil Nadu Recognised Private Schools (Regulation) Rules, 1974. The DEEO, Virudhunagar approved the appointment of the petitioner as the Secretary of the petitioner School from 06.11.2015 to 05.11.2018, vide proceedings dated 23.03.2018.

3. When the petitioner submitted a proposal dated 02.11.2018 to approve him as Secretary of the School for the years 2018 to 2021 i.e., from 06.11.2018 to 05.11.2021, the fourth respondent returned the same and instructed the petitioner to submit some more documents. The petitioner submitted all the documents required by the fourth respondent on 25.11.2018. In spite of the same, the third respondent without passing any orders on the proposal submitted by the petitioner, by the proceedings dated 15.02.2019, ordered direct payment to the petitioner on the ground that it would take time for appointment of the Secretary. The petitioner has made a representation dated 09.04.2019, to the third respondent. The third respondent by its proceedings dated 23.04.2019, informed the petitioner that the proposal of the petitioner would be considered on receipt of the same from the fourth respondent and the direct payment would be cancelled. On verification in the office of the fourth respondent, the petitioner was informed that the proposal of the petitioner was forwarded to the DEO/third respondent. The third respondent failed to verify that the School Committee was established as contemplated under the Tamilnadu Recognised Private Schools (Regulation) Rules, 1974 and the petitioner was elected as Secretary of the School and has come out with the present writ petition.

4. Mr.M.Karuppasamy, learned Government Advocate appearing for the respondents submitted that the petitioner has not produced the Stability Certificate, Fire Equipment Certificate. The School building is 78 years old building.

5. In reply to the said contention, the learned counsel appearing for the petitioner submitted that the petitioner has produced the Stability Certificate, dated 31.12.2017 for the period from 01.01.2017 to 31.12.2019 and all the certificates required by the fourth respondent were submitted by him and the same were not considered. Hence, the petitioner has come up with the present writ petition.

6. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and



7. This Court, considering the contention of the learned counsel for the petitioner that all the required certificates were produced to the concerned authority directed the fourth respondent to forward the proposal submitted by the petitioner to the third respondent and on receipt of the said proposal, the third respondent is directed to consider the same for approving his appointment as Secretary and also the claim of the petitioner for disbursement of salary to the Teachers through him and pass appropriate orders, on merits and in accordance with law by keeping in mind Rule 12(5) of the Tamil Nadu Recognised Private Schools (Regulation) Rules, 1974, after affording due opportunity of hearing to the petitioner as well as all the interested parties, if any, 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 is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Director of Elementary Education,
College Road,
Chennai-600 006.
2. The Chief Educational Officer,
Virudhunagar District at Virudhunagar.
3. The District Educational Officer,
Srivilliputhoor,
Virudhunagar District.
4. The Block Educational Officer,
Rajapalayam,
Virudhunagar District.

+1 CC to M/s.GP (SR-91899[F] dated 15/10/2019)

+1 CC to M/s.S.XAVIER RAJINI, Advocate (SR-92228[F] dated 16/10/2019

am

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