



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.12.2019
CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

WEB COPY

W.P. (MD)No.13317 of 2017
and
W.M.P. (MD)No.10391 of 2017

Somasundaram Chettiar Higher Secondary School,
represented by its President of the Educational
Agency, R.M.Somasundaram,
Okkur-630 557, Sivaganagi Taluk,
Sivaganagi District

... Petitioner

vs.

1.The Joint Director of Higher Secondary Education,
DPI Complex, College Road, Chennai - 600 006.

2.The Chief Educational Officer,
Sivagangai Educational District,
Collectorate Complex,
Marudhupandian Nagar,
Sivagangai.

3.The District Educational Officer,
Sivagangai Educational District,
Collectorate Complex,
Marudhupandian Nagar, Sivagangai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent herein to grant approval of change in the constitution of the Educational Agency under Rule 7(2) of the Tamil Nadu Recognised Private Schools (Regulation) Rules 1974, submitted by the petitioner by its application, dated 09.02.2014 and subsequent reminder dated 08.12.2014.

For Petitioner : Mr.D.Srinivasaragavan
For Respondents : Mr.A.Thiyagarajan
Government Advocate

O R D E R

This Writ Petition is filed for issuing a Writ of Mandamus to direct the first respondent to grant approval of change in the constitution of the Educational Agency under Rule 7(2) of the Tamil

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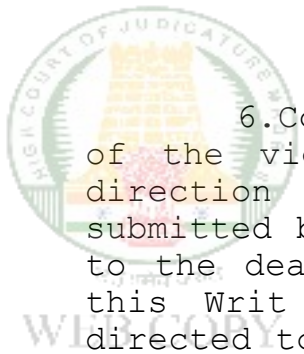
Nadu Recognised Private Schools (Regulation) Rules 1974, as per the proposal submitted by the petitioner by its application, dated 09.02.2014 and subsequent reminder dated 08.12.2014.

2.It is stated by the petitioner that the petitioner School is run by a Trust, which is registered under the Tamil Nadu Societies Registration Act 1975, known as "Somasundaram Chettiar Educational Welfare Society". It is not in dispute that the petitioner School received grant from the State Government upto High School. It is stated that though the School was previously run by one "Somasundram Chettiar Charitable Trust" later it was registered under the Tamil Nadu Societies Registration Act 1975. It is stated that the petitioner School got periodical approval for the Educational Agency as well as the School Committee from the Department. The respondent also recognised the constitution of School Committee for a period of three years from 10.05.2012 to 09.05.2015.

3.It is stated that the President of the School Committee as well as the Educational Agency, one Mr.SK.AR.SM.Ramanathan Chettiar died on 14.11.2013 and that the same was informed to the Authorities. It was in the said circumstances, an order of direct payment has been passed and the petitioner challenged the said order in a Writ Petition in W.P.(MD)No.712 of 2014 before this Court. The petitioner also obtained an interim order staying the operation of the order of direct payment.

4.The petitioner states that an application was submitted by the petitioner on 09.02.2014 to the third respondent to grant approval for change in the constitution of Educational Agency and to accept Mr.RM.Somasudaram as President of Educational Agency. After receiving application, it appears that the third respondent through his correspondent, dated 12.03.2014, raised some queries and the petitioner states that the School replied to all the queries through their letter, dated 19.03.2014. It is also stated that third respondent forwarded his recommendations to the second respondent on 08.12.2014 and that the second respondent, who in turn, forwarded his recommendations to the first respondent, dated 11.12.2015. The grievance of the petitioner is that the first respondent is keeping the matter pending without considering the application submitted by the petitioner for approving the Educational Agency of the petitioner School.

5.The learned Counsel for the petitioner states that as per Rule 7(2) of Tamil Nadu Recognised Private Schools (Regulation) Rules 1974 r/w Section 8(1) of the Act, the first respondent is the authority to give approval to the Educational Agency and the petitioner has approached this Court, as the first respondent has not passed any order.



6.Considering the grievance of the petitioner, this Court is of the view that the Writ Petition can be disposed of with a direction to the first respondent to consider the application submitted by the petitioner for approval of Educational Agency, due to the death of erstwhile President of the Society. Accordingly, this Writ Petition is disposed of and the first respondent is directed to consider the application submitted by the petitioner on 09.12.2014 regarding grant of approval of change of constitution of Educational Agency under Rule 7(2) of Tamil Nadu Recognised Private Schools (Regulation) Rules 1974, and pass appropriate orders on merits in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2020

Sub Assistant Registrar(CS)

cmr

To

1.The Joint Director of Higher Secondary Education,
DPI Complex, College Road, Chennai - 600 006.

2.The Chief Educational Officer,
Sivagangai Educational District,
Collectorate Complex,
Marudhupandian Nagar,
Sivagangai.

3.The District Educational Officer,
Sivagangai Educational District,
Collectorate Complex,
Marudhupandian Nagar, Sivagangai.

+1 CC to MR.RATHINA ASOHAN, Advocate (SR-105832[F] dated 19/12/2019)

+1 CC to SPL.GP (SR-105920[F] dated 19/12/2019)

W.P. (MD)No.13317 of 2017
18.12.2019

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