

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.8004 of 2020
and W.M.P.No.9443 of 2020

M/s.Sree Kariakaaliamman Educational Trust
rep.by its Vice President
Mr.R.Murugasami
S.F.No.86/2-B, Kaniyampoondi
Vanjipalayam (Post)
Avinashi Taluk, Tiruppur District. Petitioner

Vs.

- 1.The Director of Matriculation Schools,
Office of the Director of Matriculation Schools,
DPI Campus, Nungambakkam,
Chennai-600 006.
- 2.The Commissioner of School Education,
Office of the Commissioner of School Education,
DPI Campus, Nungambakkam,
Chennai-600 006.
- 3.The Chief Educational Officer,
Office of the Chief Educational Officer,
Collectorate Campus, Palladam Road,
Tirupur-641 604.
- 4.The District Educational Officer,
Office of the District Educational Officer,
Collectorate Campus, Palladam Road,
Tirupur-641 604.
- 5.Amma Kalvi Matrum Kalai Trust
rep.by its Managing Trustee cum Correspondent
Sakthi Devi Matriculation School
Mrs.A.P.Nirmala Devi
No.14-A, 2nd Floor,
Maharani Bakery Backside
Angeripalayam, Tiruppur District.

6.Sakthi Devi Matriculation School
Parents Welfare Association
(Registered under the Tamil Nadu Societies Registration Act)
rep.by its President Mr.M.Durai
Sakthi Devi Matriculation School Campus
S.F.No.66/2, Kaniyampoondi,
Vanjipalayam (Post)
Avinashi Taluk, Tiruppur-641 663. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the first respondent to conduct enquiry considering the representation dated 01.11.2019 preferred by the petitioner Trust and approve the transfer of management in favour of the petitioner Trust in administering the "Sakthi Devi Matriculation School" situated at S.F.No.66/2, Kaniyampoondi, Vanjipalayam (Post), Avinashi Taluk, Tiruppur-641 663, in the light of the letter submitted by the fifth respondent to the third respondent dated 30.05.2019.

For Petitioner : Mr.M.Venkadeshnan

For Respondents: Mr.C,Munusamy,
Spl.Govt.Pleader(Edn.) for
R1 to R4

ORDER

It is stated by the petitioner in the affidavit filed in support of this writ petition that they are already running an institution in the name of "Vigneshwara Vidyalaya Matric Higher Secondary School" for the past thirty years. The fifth respondent Trust was running a Matriculation School by name "Sakthi Devi Matriculation School" in Tiruppur for the past 15 years and they approached the petitioner in the month of April 2019 stating that they are in financial crunch and requested them to take over the management of the fifth respondent School. By letter dated 30.05.2019, they also informed to the third respondent that they are not in a position to run the school due to financial crunch and that they handed over the management of the school to the petitioner Trust and hence, they requested the third respondent to approve the transfer of management in favour of the petitioner Trust. It is claimed that a Memorandum of Understanding has been entered into between the petitioner and the fifth respondent, as per which, the fifth respondent handed over the administrative control and physical possession of the School to the petitioner Trust. The petitioner Trust paid consideration for the movables and spent enormous money for acquiring assets that were required to run the school. It is

further claimed that they also incurred all necessary expenses for obtaining renewal of recognition. While so, on 21.10.2019, the third respondent suddenly visited the school and informed the petitioner that the fifth respondent had sent a letter on 23.09.2019 stating that they were not financially sound to run the school and requested to cancel the recognition granted earlier and to close the school. With this background, the present writ petition has been filed seeking a mandamus, directing the first respondent to consider the representation dated 01.11.2019 preferred by the petitioner Trust and approve the transfer of management of the fifth respondent School in favour of the petitioner Trust with renewal of recognition.

2.The learned counsel for the petitioner has submitted that the fifth respondent, having entered into a Memorandum of Understanding with the petitioner Trust, received consideration and also handed over the administrative control and physical possession of the School to the petitioner Trust, is now acting unlawfully for closure of the school, infringing the rights of the petitioner and also the rights of the students studying in the school to continue their studies as guaranteed under Article 21 of the Constitution of India. Stating so, he prayed for appropriate directions in this writ petition.

3.On the other hand, the learned Special Government Pleader (Education), appearing for the respondents 1 to 4, on instructions, submitted that Mrs.A.P.Nirmala Devi who was the Managing Trustee and Correspondent of the fifth respondent School, made a representation on 23.09.2019 to the District Educational Officer, Tiruppur District, who is the fourth respondent herein, that due to financial and health reasons, she is not able to run the school and that a resolution has been passed in the Meeting of the Trust Members on 20.09.2019 itself for closure of the school and based on the same, the 3rd respondent, Chief Educational Officer, Tiruppur, ordered for closure of the school, by proceedings in Na.Ka.No.9592/A3/2019 dated 15.06.2020, a copy of which has also been marked to this Court through e-mail. It is stated in the said proceedings that the recognition of the school was granted till 31.05.2020; no extension was granted thereafter; and in view of the closure of the said school, the students have been ordered to be joined in other schools, which are within 3 Kms from the fifth respondent School. It is further stated in the said proceedings that no documents have been filed by the petitioner Trust to substantiate their claim that the building and all materials of the school have been transferred to the management of the petitioner Trust. Stating so, the learned Special Government Pleader ultimately submitted that it is a financial dispute between the petitioner and the fifth respondent and the same can be resolved by the respective parties only through proper civil proceedings before the competent Civil Court. Hence, he sought to dismiss this writ petition.

4.Heard both sides and perused the affidavit filed in support of this writ petition and other materials placed in the form of typed set of papers.

5.It could be seen that the 3rd respondent has already acted upon, on the basis of the representation dated 23.09.2019 made by the fifth respondent and passed orders. Further, in the light of the above proceedings passed by the third respondent, by which, the closure of the school was ordered and shifting of the students was permitted, this Court is of the view that no direction could be issued to the petitioner in this writ petition, except recording the aforesaid submissions made by the learned Special Government Pleader (Edn) appearing for the respondents and the proceedings of the third respondent dated 15.06.2020. However, liberty is granted to the petitioner to have legal course before the competent Civil Court, by raising all the grounds available to them.

6.With the aforesaid observations, this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar (CS-I)

//True copy//

Sub Assistant Registrar

KM

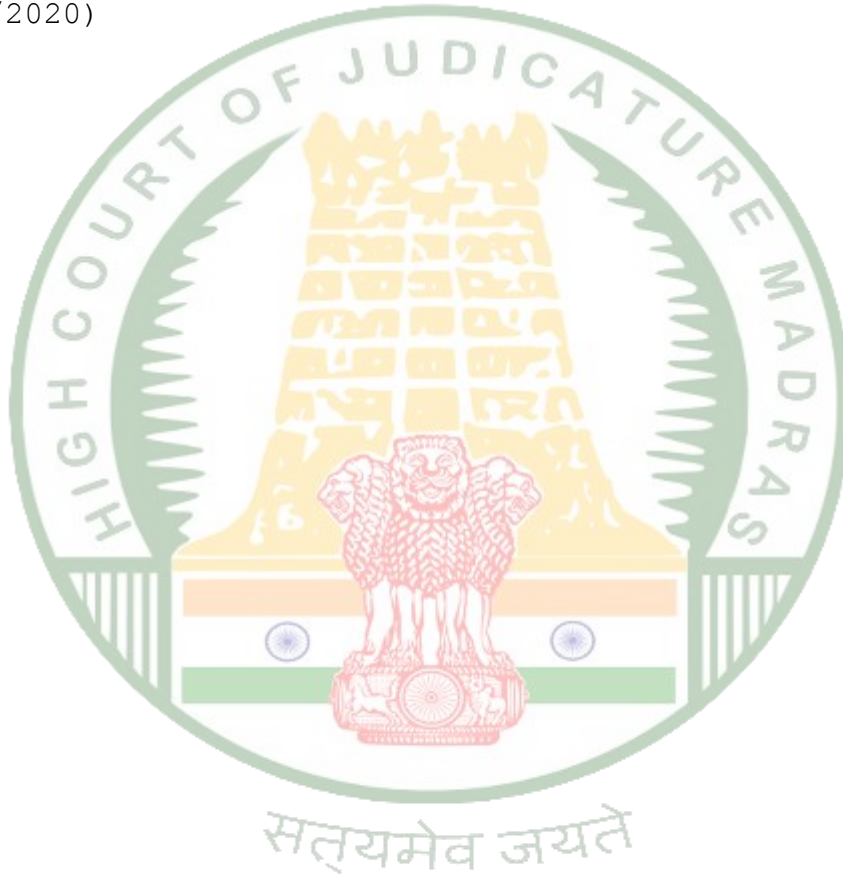
To

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RJI (CO)
GMY (10/09/2020)



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