



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2020
CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.7185 of 2020
and
W.M.P.(MD).No.6615 of 2020

S.Vellaisamy

...Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Education Department,
St.George Fort, Chennai.
- 2.The Director of School Education,
DPI Campus, College Road,
Chennai-620 006.
- 3.The Chief Education Officer,
Theni District, Theni.
- 4.The District Educational Officer,
Uthampalayam, Theni District.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating with the order of the fourth respondent made in Na.Ka.No.2112-A5-2020, dated 23.06.2020 and quash the same as it is arbitrary and illegal and in consequence to respondents to extend the period of School Committee of the petitioner's School for further period of three months from 27.07.2020, which is an end date of the School Committee as approved by the fourth respondent, vide his proceedings in Mu.Mu.No.Aa2/3661/2017, dated 09.08.2017.

For Petitioner : Mr.R.Suriyanarayanan
For Respondents : Mrs.S.Srimathy
Special Government Pleader

ORDER

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.



2. The petitioner Sri Krishnaiyar Higher Secondary School, Chinnamanur, Theni District is an Aided Institution. It is affiliated to State Board. The issue pertains to extension of period of the School Committee. The School Committee period expired on 27.07.2020. In view of the current pandemic situation, the educational agency could not convene the meeting as the request was declined by the District Collector. Therefore, citing expiry of the School Committee period, the impugned order came to be passed. The impugned order resorts to direct payment. This order is put to challenge in these writ proceedings.

3. When the matter was taken up on 06.07.2020, the following direction came to be passed:-

"The issue raised in this Writ Petition is regarding the validity of the impugned order passed by the fourth respondent proposing direct payment. The reason for passing the impugned order is that the period of the School Committee has come to an end.

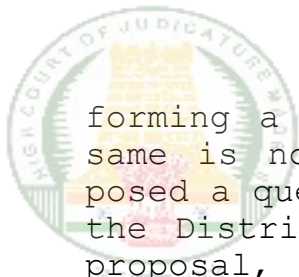
2. The learned counsel appearing for the petitioner points out that the educational agency was ready to nominate a new School Committee. But then, the District Collector, Theni, denied permission on 09.06.2020 citing the pandemic situation.

3. The Authority cannot on the one hand prevent the petitioner from convening the educational agency and at the same time citing expiry the School Committee go for direct payment.

4. Therefore, in order to find an amicable solution, I permit the petitioner to convene the educational agency in the school campus on 08.07.2020 at 11.00 a.m. The petitioner's counsel on instructions states that they would strictly abide by the safety norms such as wearing masks, maintaining social distance etc.

5. The fourth respondent will depute his observer to oversee the convening of the educational agency. Call this case on 13.07.2020 for further orders. The learned Special Government Pleader is directed to indicate the contents of this order to the fourth respondent."

4. Today, when the matter was taken up for disposal, the learned counsel appearing for the petitioner submitted that the educational agency was convened in the presence of the District Collector himself and that they had given a proposal for



forming a new School Committee for a period of three years. The same is now pending with the fourth respondent. When this Court posed a question to the learned Special Government Pleader as to why the District Educational Officer has not approved the petitioner's proposal, the learned Special Government Pleader submitted that an objection letter has come from a third party who claims to have filed a civil suit.

5.I am of the view that the reception of an objection from a third party will not in any way restrict the fourth respondent to grant approval to the School Committee. Therefore, I direct the fourth respondent to approve the petitioner's proposal without any delay and issue proceedings to that effect. But I make it clear that the rights of the objector are not foreclosed in these proceedings. It is of course open to the objector to institute a civil suit or pursue the civil suit already filed by him. The rights of the parties will abide by the outcome of the said proceedings. Since the educational agency has already been convened and it has also given the proposal for constituting the new school Committee and this Court have already passed an order directing the fourth respondent to approve the same, the order impugned in this writ petition can no longer survive. Accordingly, the order impugned in the writ petition stands quashed.

6.This Writ Petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Secretary,
the State of Tamil Nadu,
Education Department,
Secretariat, Chennai.

<https://hcservices.tn.gov.in/hcservices>



2.The Director of School Education,
DPI Campus, College Road,
Chennai-620 006.

3.The Chief Education Officer,
Theni District, Theni.

4.The District Educational Officer,
Uthampalayam, Theni District.
Theni District.

ORDER MADE IN
W.P. (MD) .No.7185 of 2020
13.07.2020

tsg
SDS (15.07.2020) 4P-5C