



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2020

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.10339 of 2015

and

M.P. (MD)Nos.1 & 2 of 2015

Vani

... Petitioner

Vs.

1.The Additional Assistant Elementary Education Officer,
Theni District, Theni.

2.The Secretary,
Muthiah Elementary School,
K.Duraisampuram,
Kuchanoor,
Theni District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records relating to the proceedings of the second respondent made in Mu.Thu.No.160/2014, dated 03.05.2015 and consequential proceedings Mu.Thu.No.165/2014 dated 12.05.2015 and quash the same.

For Petitioner : Mr.M.Suresh Kumar

For R1 : Mr.J.Gunaseelan Muthiah,
Additional Government Pleader.

For R2 : Mr.C.Arulvadivel alias Sekar.

ORDER

The impugned orders are passed by the second respondent, the Secretary to Muthiah Elementary School, which is an aided School. The order of recovery is under challenge in the present writ petition.

2.With reference to the disputed facts now set out in the writ petition, the writ petitioner has to approach the Appellate



Authority under the Act for adjudication of the issues. Disputed facts and circumstances are to be adjudicated with reference to the documents and evidences. The original records of the School are to be verified by the competent Authorities in this regard. The High Court cannot undertake the process of conducting such rowing enquiry with reference to the disputed facts under Article 226 of the Constitution of India. In this regard the petitioner is bound to exhaust the statutory remedy provided under the Private School Regulations Act.

3.Thus, the petitioner is at liberty to approach the competent Appellate Authority of the Education Department for the purpose of adjudicating the issues on merits and redress his grievances in the manner known to law.

4.With this liberty, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gns

To

The Additional Assistant Elementary Education Officer,
Theni District, Theni.

+1 CC to Mr.C.ARUL VADIVEL, Advocate (SR-24028[F] dated
04/12/2020)

+1 CC to SGP (SR-24245,24266[F] dated 07/12/2020)

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KG(CO)
KM (16.12.2020) 2P 4C