



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.9554 of 2021
and W.M.P.No.10153 of 2021

1. M.Gajendran
2. G.Rajam
3. G. Ramachandran
4. M.G.Suresh Kumar
5. M.G.Vasanth Kumar

...Petitioner

-Vs-

- 1.Director of School Education,
Director of School Education,
DPI Campus,
Chennai - 600006.
- 2.Director of School Education,
Joint Director of School Education,
DPI Campus,
Chennai- 600006.
- 3.The Regional Officer,
Central Board of Secondary Education,
New.No-3, Old No. 1630A,
'J' Block, 16th Main Road,
Anna Nagar West,
Chennai - 600040.
- 4.The Regional Officer,
Central Board of Secondary Education,
New.No-3, Old No. 1630A,
'J'Block, 16th Main Road,
Anna Nagar West,
Chennai - 600040.
- 5.The Chief Educational Officer,
Collectorate Campus,
Dharmapuri - 636705.



6.The District Educational Officer
Collectorate Campus,
Dharmapuri - 636705.

7.Green Park International School,
Rep. by its Correspondent,
Mr.R.Munirathinam,
Salem Main Road,
Kadathur Post, Pappireddiypatti Taluk,
Dharmapuri District 635 303.

8.Mr.R.Munirathinam,
Chairman-cum-Managing Trustee,
Green Park Educational Trust,
Salem Main Road,
Kadathur Post, Pappireddiypatti Taluk,
Dharmapuri District 635 303.

...Respondents

[Respondents 7 & 8 are impleaded as per order in W.M.P.No.10877 of 2021 in W.P.No.9554 of 2021 dated 06.07.2021]

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, Directing the ^{1st} respondent to appoint an interim administrator to handle the administration of Green Park International School by consider the representation dated 29.01.2021.

For Petitioners : Mr. J.Ranjith Kumar

For Respondents : Mr. A.Selvendran
Government Advocate
for R1, R2, R5 & R6

Mr.G.Nagarajan for R3 & R4

Mr.D.Shivakumaran for R7 & R8.

O R D E R

This writ petition has been filed for issue of writ of mandamus directing the ^{1st} respondent to appoint an interim Administrator in order to handle the administration of Green Park International School based on the representation made by the petitioners on 29.01.2021.

2.The case of the petitioners is that they are having a share in the International School and they entered into a Memorandum of Understanding with the ^{8th} respondent which clearly sets out the terms and conditions in relation to the shares belonging to the petitioners.



3.The petitioners have given a complaint to the respondents on the ground that the 8th respondent who is the Chairman-cum-Managing Trustee is misusing the funds of the school and he had defrauded many innocent people in the name of the school and the very existence of the school is now in jeopardy. Hence, the petitioners made a representation on 29.01.2021 to the respondents seeking for the appointment of an interim Administrator to handle the administration of the School. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate direction.

4.The 5th respondent has filed a counter affidavit. The stand taken by the 5th respondent is extracted hereunder:

4. It is humbly submitted that the Green Park Educational trust was constituted on 27.12.2012 in accordance with law and it was registered under Indian Trust act in Kadathur Registrar office on 27.12.2012. Thiru.R. Munirathinam, S/O Mr.Rajagopal, residing at No.9, Anna Nagar, Regadahalli village & post was designated as the Founder & Managing Trustee and Mrs.M.Malliga W/O C.Mani residing at Jalipudur, Regadahalli (village & post) designated as trustee and Mrs. A. Jayasri W/O Mr.Abimannan, Govindhapuram V. Muthampatti designated as trustee for the said Educational Trust.

5. It is humbly submitted that the Green Park Educational trust founder and Managing Trustee Thiru.Munirathinam submitted proposal on 09.07.2018 to the Chief Educational officer, Dharmapuri for seeking "No objection certificate and Recognition certificate" to start Green park International School in Kadathur (po), Pappireddipatty(taluk), Dharmapuri dist, Tamilnadu for the year from 2018. After receipt of the proposal the Chief Educational officer had perused the proposal and visited the school on 20.07.2018 in the basis of the records and documents submitted by the Trustees, the proposal was forwarded to the Director of School Education, Chennai vide this office R.C.No. 3894/A3/2018 dt:27.07.2018 for giving" No objection certificate and recognition certificate " to start Green Park International School(CBSE) for the year from 2018.

6. It is humbly submitted that the Green Park International School in Kadathur (po), Pappireddipatty (taluk), Dharmapuri dist, Tamilnadu run by Green Park Educational Trust. This school was started as international school which is under the control of the



WEB COPY

Central Board of Secondary Education, New Delhi. The School is affiliated to the CBSE, New Delhi. The Director of School Education, Chennai (on behalf of Government of Tamil nadu) has given only "No objection certificate sand Recognition certificate" as per R.C.No.52689/G1/S4/2018 dated: 18.08.2018 for affiliation to the CBSE, New Delhi. The school is coming under the control of the CBSE.

7. It is humbly submitted that the petitioners of the above writ petition had sent a complaint on 29.01.2021 to the Director of School Education, Chennai, stating that Thiru.Munirathinam founder and Managing trustee of the above said trust has involved in an educational scam in the name of Green Park International School. The first respondent herein, namely, Director of School Education, DPI Campus, Chennai - 600 006 second respondent herein, namely, The Joint Director of School Education, DPI Campus, Chennai - 600 006. fifth respondent herein, namely, Chief Educational officer, Dharmapuri-5. sixth respondent herein, namely, District Educational officer, Dharmapuri-5. are not the authorities to grant the relief as sought for by the petitioners and they have no powers to involve the Trust activities of the above school. The complaint raised by the petitioners are purely internal dispute between the trust members. It can be settled only by the appropriate forum mentioned in the Trust registration act, the above mentioned respondents are not empowered to settle the issue.

.
.

9. It is submitted that the respondents herein unnecessarily impleaded as first respondent, second respondent, fifth respondent, sixth respondent herein as a parties to the above writ petition, which has resulted in much inconvenience to the administration. It is submitted that in case, the respondents 1 and 2, 5, 6 herein succeeds in the above writ petition, the respondents 1 and 2, 5, 6 herein will not be in a position to give any relief sought for by the petitioners herein, since no orders issued by the Government of Tamilnadu has been challenged.

10. For the foregoing reasons, it is humbly submitted that the first respondent herein, namely, Director of School Education, DPI Campus, Chennai 600 006 second respondent herein, namely, The Joint Director of School Education, DPI Campus, Chennai -



WEB COPY

600 006. fifth respondent herein, namely, Chief Educational officer, Dharmapuri-5 sixth respondent herein, namely, District Educational officer, Dharmapuri-5 are misjoinder in this case and they are not authorities to grant the relief as sought for, hence the issue now raised to the school matter can be settled only by the appropriate forum and the above mentioned respondents are not empowered to settle the issue.

5. The 7th and 8th respondents have also filed a counter affidavit. A careful reading of the counter affidavit shows that very serious allegations have been made against the petitioners as if they have misused the blank cheques, blank signed documents and already complaints under Section 138 of the Negotiable Instruments Act were filed against the 8th respondent which have become a subject matter of challenge before this Court. It is also alleged that the 1st petitioner has filed a suit in O.S.No.46 of 2020 on the file of the District Munsif Court, Pappireddypatti seeking for a declaration that he is the Vice-Chairman of the Green Park International School. According to the 7th and 8th respondents, the petitioners are relying upon forged and fabricated partnership deed and the petitioners are initiating one proceeding after another only to ensure that the 7th and 8th respondents are put to hardship. Therefore, the 7th and 8th respondents have sought for the dismissal of the writ petition with cost.

6. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

7. On a careful perusal of the entire materials placed before this Court, it is clear that there is an on going dispute between the petitioners and the 8th respondent. Various allegations and counter allegations have been made between the parties. Therefore, the official respondent has taken the right stand to the effect they cannot go into this issue and if at all there is any grievance, the same should only be resolved before the competent court. That apart there is also pending suit in O.S.No.46 of 2020 on the file of the District Munsif Court, Pappireddypatti. A reading of the plaint filed in the said suit also makes it clear that almost the same allegations have been made by the petitioner. This suit is defended by the 8th respondent. Therefore, it would be more appropriate to leave the dispute to be agitated before the proper forum and this Court exercising its jurisdiction under Article 226 of the Constitution of India cannot get into issues of this nature. That apart, even the official respondents cannot go into these issues which is more in the nature of a personal dispute between the petitioners and the 8th respondent.



8. In view of the above, the stand taken by the official respondents to the effect that no interim Administrator can be appointed for the school is taken on record and it is left open to the parties to agitate their grievance in the pending suit and seek for redressal.

9. This writ petition is disposed of accordingly. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

ssr

To

1. Directorate of School Education,
Director of School Education,
DPI Campus, Chennai - 600006.
2. Directorate of School Education,
Joint Director of School Education,
DPI Campus, Chennai- 600006.
3. The Regional Officer,
Central Board of Secondary Education,
New.No-3, Old No. 1630A,
'J' Block, 16th Main Road,
Anna Nagar West, Chennai - 600040.
4. The Chief Educational Officer,
Collectorate Campus,
Dharmapuri - 636705.
5. The District Educational Officer
Collectorate Campus,
Dharmapuri - 636705.

+1cc to M/s.S.Sarath Chandran, Advocate, S.R.No.50976
+1cc to M/s.D.Shivakumaran, Advocate, S.R.No.51321
+1cc to the Government Pleader, S.R.No.51279

Writ Petition No.9554 of 2021
and

W.M.P.No.10153 of 2021

CP(CO)
RGA(26/10/2021)