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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.9721 of 2020
and W.M.P.Nos.11833, 11834 and 18787 of 2020

Murali @ Muralitharan

...Petitioner

Vs

1.The District Chief Educational Officer,
Office of the District Chief Education Officer,
Srinivasan School Compound, Kanchipuram.

2.The District Education Officer,
Office of the District Education Officer,
Chromepet, Chennai - 600 044.

3.The Head Mistress,
Government Higher Secondary School,
Anagaputhur, Chennai-600 070.

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in Na.Ka.No.5266/A1/2019 dated 12.03.2020 and quash the same and direct the respondents to permit the petitioner to continue as President of PTA of the 3rd respondent School.

For Petitioner : Mr.M.Baskar

For Respondents : Mr.U.Baranidharan, Government Advocate
- for R1 to R3

O R D E R

This writ petition has been filed challenging the impugned proceedings of the second respondent dated 12.03.2020 and for a direction to the respondents to permit the petitioner to continue as the President of the Parent Teacher Association in the third respondent School.

2. The petitioner was elected as the President of the Parent Teacher Association in the third respondent School. The second respondent, by proceedings dated 06.09.2019 issued a direction to the third respondent, which in effect removed the petitioner from the post of President of the Parent Teacher Association.



3. The petitioner challenged the proceedings of the second respondent dated 06.09.2019 in W.P.No.28336 of 2019. The matter was heard in detail and a final order came to be passed on 22.10.2019, allowing the writ petition and granting liberty to the respondents to afford an opportunity to the petitioner if any action is contemplated against the petitioner. The relevant paras in the order is extracted hereunder.

11. Under G.O.M.s.No.242, dated 28.03.1994, the Education Department has framed Rules for Parents Teachers Association. According to this Rule the Association shall consist of members who are parent or Guardian of the student. The Tenure of the Office is three years except Secretary, who is an ex-officio member. While holding the Office, son/daughter or ward of the members should be in the role of the school. The President of the Parent Teachers Association has to be elected by the General Council. If a person is a philanthropist and spending his money for the development of the school, then even if his ward are not students of the school, the council may accept him as President if he is elected without opposition.

12. The petitioner claims that, he has spend his money for the improvement of the school infrastructure and he is eligible to hold the post of President even though his son/daughter are not student of the school.

13. Be it as it may, the post of President of a School Parents Teachers Association is governed by Rules framed by the Government Under the Rules and it is a elected post. The President is vested with responsibility.

14. Rule 21 of Parents Teachers Association, indicates in case, any school Parents Teachers Association becomes in effective for various reasons invoking the power under Rule 21 the administration of the Parents Teachers Association can be transferred by the Appellate Authority.

15. The impugned order specifically alleges that the petitioner as President of the Parents Teachers Association not functioning. In such case, before passing the impugned order, the 1st respondent ought



notice was issued to the petitioner. That apart, the second respondent has also stated that the notice was issued only pursuant to the orders passed by this Court in the earlier writ petition and the petitioner was called upon to give his explanation and instead the petitioner has approached this Court challenging the notice.

8. The main grievance that was expressed by the learned counsel for the petitioner are two fold. The first grievance is that the impugned show cause notice is virtually an order of termination and there is nothing more to be decided by the second respondent and therefore, attending the enquiry before the second respondent is a mere completion of formality. The second ground that has been raised by the learned counsel for the petitioner is that there is absolutely no denial of any of the allegations that were made in the affidavit and a reading of the counter affidavit shows that the allegations made by the petitioner stands unrebutted.

9. Per contra, Mr.U.Baranidharan learned Government Advocate appearing for the respondents submitted that the petitioner ought not to have approached this Court directly without submitting his explanation to the show cause notice issued by the second respondent.

10. Learned Government Advocate submitted that the show cause notice has merely explained the allegations against the petitioner and that cannot be taken to be the preconceived mind of the second respondent while deciding the issue. Learned counsel further submitted that the proceedings were initiated by the second respondent only based on the liberty that was given by this Court while disposing of the earlier writ petition and therefore the present writ petition has been filed only with an intention to drag on the proceedings and to continue in the post of President of the Parent Teacher Association in the third respondent School.

11. This Court has carefully considered the submissions made on either side and the materials available on record.

12. It is an admitted case that the petitioner is the President of the Parent Teacher Association in the third respondent School. Earlier when proceedings were initiated against the petitioner, the petitioner had approached this Court and challenged the same by filing W.P.No.28336 of 2019. This Court, while disposing of the writ petition by order dated 22.10.2019, has given a categorical finding that the impugned proceedings dated 06.09.2019 virtually amounts to removing the petitioner from the post of President and the same was done without affording him an opportunity. Therefore, the impugned proceedings therein was interfered and liberty was also granted to the officials to take necessary action against the petitioner only after affording him an opportunity. Thereafter, the



proceedings dated 06.09.2019 came to be withdrawn through the proceedings dated 25.02.2020 and the petitioner was restored back to the position of President of the Parent Teacher Association in the third respondent School.

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13. By virtue of the liberty that was granted by this Court in the earlier writ petition, the impugned show cause notice came to be issued by the second respondent. The petitioner, instead of giving a reply to the show cause notice, thought it fit to approach this Court and challenge the show cause notice on the ground that it has been issued with a preconceived mind.

14. A careful reading of the impugned show cause notice dated 12.03.2020 shows that all the allegations that are made against the petitioner has been described and the petitioner has been called upon to give his reply for those allegations. The impugned notice dated 12.03.2020 can be considered to be only a show cause notice and not as a finding that was rendered by the second respondent against the petitioner.

15. In view of the above, it is made clear that the impugned letter dated 12.03.2020 cannot be construed to be an order and it can only be taken to be a show cause notice issued by the second respondent calling upon the petitioner to submit his explanation. The petitioner is directed to submit his explanation to the second respondent by raising all the grounds along with necessary materials, within a period of four weeks from the date of receipt of a copy of this order. The second respondent, on receipt of the same, shall deal with the explanation on its own merits and in accordance with law and pass final orders within a period of six weeks thereafter. It is made clear that the second respondent will independently consider the explanation given by the petitioner without being influenced by any allegations found in the impugned notice or the orders passed in this writ petition.

16. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

KST

To

1.The District Chief Educational Officer
Office of the District Chief Education Officer
Srinivasan School Compound, Kanchipuram.



2.The District Education Officer
Office of the District Education Officer
Chromepet, Chennai - 600 044.

3.The Head Mistress
Government Higher Secondary School
Anagaputhur, Chennai-600 070.

+1cc to Mr.M.Baskar, Advocate, S.R.No.38266

+1cc to the Government Pleader, S.R.No.38033

W.P.No.9721 of 2020

AK-II(CO)
SB(16/08/2021)