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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.21566 of 2019

and

W.M.P.Nos.20766 and 20765 of 2019

Sri Krishna vidhyalaya Aided Middle School,
No.13, Somu Street,
Ranipet, Walajah Taluk, Vellore District.
Rep.by its Manager N.Jaisri Kothai

... Petitioner

Vs.

1.The Director of Elementary Education,
DPI Campus, College Road, Chennai 6.

2.The Joint Director of Elementary Education (Aided),
DPI Campus College Road, Chennai 6.

3.The Chief Educational Officer,
Vellore 9.

4.The District Educational Officer,
Ranipet, Vellore 4.

5.The Block Educational Officer,
Walajah East, Ranipet,
Vellore District 632 401.

... Respondents

Prayer:Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the impugned order passed by the 3rd respondent in his proceedings Na. Ka. No. 10523/ E1/ 2019 dated 31.5.2019 and the subsequent order passed by the 3rd respondent in his proceedings Na. Ka. No. 5438/ E1/ 2018 dated 17.6.2019 and quash the same.

For Petitioner : Ms.Dakshayani Reddy

For Respondents: No appearance



O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari to call for the records relating to the impugned order passed by the 3rd respondent in his proceedings Na. Ka. No. 10523/ E1/ 2019, dated 31.5.2019 and the subsequent order passed by the 3rd respondent in his proceedings Na. Ka. No. 5438/ E1/ 2018 dated 17.6.2019 and quash the same.

2. The case of the petitioner is that he is the Manager of Sri Krishna Vidhyalaya, Ranipet and the said School is an aided middle school, having classes from I to VIII and the petitioner School was started by his grandfather in the year 1953 and thereafter his parents were taken care of the said School and after the demise of his parents, it was taken care by the petitioner. While being so, to the shock and surprise, the 4th respondent in his proceedings dated 07.11.2018 had passed an order bringing the school under direct payment without any prior notice. Against which, the petitioner had submitted the explanation to the respondent, showing that all the three discrepancies pointed out by the 4th respondent is no longer in existence by supporting documents and to cancel the order of direct payment forthwith and also filed an appeal to the respondents 2 and 3, for which no reply had been received so far and therefore, the petitioner has filed WP.No.30832 of 2018 and this Court vide order dated 11.02.2019, directed the respondents to dispose of the appeal filed by the petitioner by affording an opportunity of personal hearing. Based on the orders passed by this Court, the 3rd respondent without conducting an enquiry had passed an order in his proceedings dated 31.05.2019, imposing another order of direct payment against the petitioner and also directed the petitioner School to appear for an enquiry. The petitioner School had participated in the enquiry and produced all the relevant documents. Thereafter, the 3rd respondent without taking note of the earlier order of direct payment dated 31.05.2019, had passed another order dated 17.06.2019. Against the said biased order, the petitioner School had preferred an appeal to the 1st respondent on 27.06.2019 and 09.07.2019 and also seeks an order of stay till the disposal of the appeal, however till date no orders have been passed by the respondents. Therefore, the petitioner left with no other option, is constrained to approach this Court by filing this Writ Petition.

3. The learned counsel appearing for the petitioner submitted that the as a Manager of the School, the petitioner has taken various improvement for the uplift of the petitioner School and due to the passing of impugned order, all these



developments activities had been stopped and it causes great inconvenience for the Management of the School as well as the students and further unless the appeal is decided, the petitioner School will be put to untold hardship and difficulty.

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4. The learned counsel appearing for the petitioner further submitted that though against the impugned orders, appeals dated 27.06.2019 and 09.07.2019 have been filed, till date no orders or whatsoever have been passed on the same and therefore, this Court may issue direction to the 1st respondent to dispose of the appeals dated 27.06.2019 and 09.07.2019, within a reasonable time as fixed by this Court.

5. The learned Standing Counsel appearing for the respondents 1 and 2 submitted that the writ petitioner had already filed an appeal challenging the order dated 17.06.2019 before the 1st respondent. When already the petitioner had chosen to prefer an appeal, for the very same subject matter, she ought not to have filed the present Writ Petition before this Court. Further before passing the order dated 31.05.2019 and 17.06.2019, the petitioner was given sufficient opportunity and only thereafter, the orders were passed by the 3rd respondent. Therefore, after due enquiry, the 3rd respondent has passed the impugned order and therefore, it does not warrants interference. However, the appeals filed by the petitioner before the 1st respondent will be given disposal as expeditiously as possible.

6. This Court has carefully considered the rival submissions and also perused the materials placed before it.

7. In view of the limited prayer sought for by the petitioner, this Court without going into the merits of the case, directed the 1st respondent to dispose of the appeals dated 27.06.2019 and 09.07.2019, within a period of twelve weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner and pass orders on merits and in accordance with law.

8. This writ petition is accordingly disposed of. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar



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+1cc to Mr.Dakshayani Reddy, Advocate SR.No.64934

W.P.No.21566 of 2019

SMI(CO)
GN(21/01/2022)