



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)Nos.12913 of 2009 and 4374 of 2011

W.P. (MD)No.12913 of 2009:

Ramathilagam

... Petitioner

Vs.

1.The Director of Elementary Education,
Chennai-6.

2.The District Elementary Educational Officer,
Sivagangai.

3.The Assistant Elementary Educational Officer,
Devakottai, Sivagangai District.

4.S.P.Subramanian

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the second respondent in his proceedings in Na.Ka.No.322/A1/2009, dated 24.11.2009 and quash the same and consequently direct the second respondent to hear all the parties and pass orders in accordance with law as per the direction of this Court issued in W.P.No.18595 of 2009, dated 11.09.2009.

W.P. (MD)No.4374 of 2011:

1.S.P.Kaliammal

2.Vasanthai

3.Muthulakshmi

4.Selvambal

5.Mangayarkarasi

6.Thilagavathi

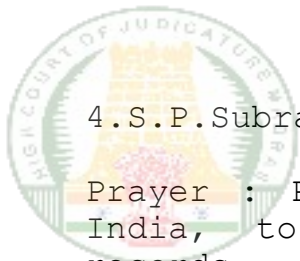
... Petitioners

Vs.

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

2.The District Elementary Educational Officer,
Sivagangai District, Sivagangai.

3.The Assistant Elementary Educational Officer,
Devakottai, Sivagangai District.



4.S.P.Subramanian

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings in Na.Ka.No.322/A1/2009, dated 24.11.2009 passed by the second respondent herein and quash the same and consequently direct the second respondent to approve the committee formed by the petitioners recognizing as Educational agency for Muthathal Middle School in their names.

For Petitioners
in both petitions : Ms.K.Ezhil Selvi

For Respondents
in both petitions : Mrs.S.Srimathy
Special Government Pleader
for R.1 to R.3

: Mr.S.N.Ravichandran
for R.4

COMMON ORDER

The petitioners in W.P.(MD)No.4374 are the mother and sisters of the fourth respondent. The petitioner in W.P.(MD)No.12913 of 2009 is the brother's wife of the fourth respondent. Both the writ petitions are filed challenging the order dated 24.11.2009, passed by the second respondent, wherein the Educational Agency appointed the fourth respondent as Secretary of the Muthathal Middle School at Devakottai.

2. The grievance of the petitioners is that without giving opportunity of personal hearing, the present impugned order was passed by the second respondent, by appointing the fourth respondent as Secretary of the School which is non-erst in law and there was a rival claim in between the parties.

3. During the pendency of the writ petitions, it appears that the direct payment was ordered and the fourth respondent is not acting as the Secretary of the School and the School itself is under the direct payment made by the Educational Authorities.

4. Learned Special Government Pleader appearing for the respondents 1 to 3 would submit that the teaching and non-teaching staffs are directly paid by the Educational Authorities, however, with regard to maintenance of the School, the petitioners and the fourth respondent are directed to deposit some amount for the maintenance the School and after the disposal of the civil suit, the petitioners and the fourth respondent shall work out their remedy.



5. In response to that, the learned Counsel appearing for the petitioners would submit that the petitioners have already deposited some amount.

6. Since there was a rival claim in between the petitioners and the fourth respondent, the petitioners and the fourth respondent are directed to work out their remedy before the competent civil Court with regard to the administration of the School and the interim order already granted by this Court is made absolute till the disposal of the civil suit proceedings initiated by the parties.

7. With the above observations, both the writ petitions are dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SSL

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 Director of Elementary Education,
Chennai-6.

2.The District Elementary Educational Officer,
Sivagangai.

3.The Assistant Elementary Educational Officer,
Devakottai, Sivagangai District.

+2 CC to M/s.K.EZHIL SEVLI, Advocate (SR-2942[F] dated
02/02/2021)

W.P(MD)Nos.12913 of 2009 and 4374 of 2011

01.02.2021

(NS) CO

AP(09/02/2021) 3P 6C