



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2021

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.577 of 2021

Srimathi Renganayaki and Sri Sriramulu
Educational and Public Charitable Trust (Regd.),
represented by its Managing Trustee,
G.Mathanagopal,
No.9, Agraharam, Ayyampettai,
Papanasam Taluk,
Thanjavur District.

.. Petitioner

Vs

- 1.The Director of Matriculation School,
DPI Campus,
College Road,
Chennai.
- 2.The Chief Educational Officer,
Thanjavur District,
O/o. the Chief Educational Office,
Thanjavur.
- 3.The District Educational Officer,
Thanjavur Educational District,
Thanjavur.
- 4.The District Educational Officer,
O/o. the District Educational Office,
Kumbakonam Educational District,
Kumbakonam,
Thanjavur District.

.. Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the 2nd respondent to pass final order based on the 4th respondent's enquiry report dated 12-08-2020 in Na.Ka.No.0297/A4/2020 within the time frame as fixed by this Court.

For Petitioner : Mr.C. Arulvadivel @ Sekar

For Respondents : Mrs.J.Lakshmi Prasannah
Government Advocate



ORDER

The petitioner is the registered charitable Trust. One of the institutions under the management of the Trust is the Star Lions Matriculation Higher Secondary School in Ayyampettai. The said school was managed by one of the Trustees, S.Thiruvankadam. The Trust found that the said Thiruvankadam was acting against its interest and therefore, he was suspended from the post of Trustee, by resolution dated 21.12.2019. The suspension was also extended subsequently on 20.06.2020. According to the petitioner, the remaining Trustees have been managing the school. One G.Venkatesan, who is the Principal of the school, was acting in collusion with the suspended Trustee, S.Thiruvankadam and was involved in misappropriation of the school funds. He was, therefore, suspended by the petitioner, by order dated 04.07.2020 and in his place, one Ms.K.Bhuvaneshwari, who is the senior most teacher, was appointed as Principal of the school. However, both the suspended Principal and the Trustee had been causing incessant trouble and have been interfering with the affairs of the school management. Therefore, the Principal has preferred a complaint to the respondents on 09.07.2020.

2.The 1st respondent, after considering the complaint, forwarded the same to the 2nd respondent for necessary action, by his proceedings dated 27.07.2020. The 4th respondent, who has to conduct the enquiry into the complaint, had directed the parties to appear on 24.07.2020, including the staff members. However, no order was passed and therefore, the petitioner filed a writ petition in W.P.(MD) No.10717 of 2020. The said writ petition was disposed of by this Court on 02.09.2020, directing the 3rd respondent to pass final orders within a period of two weeks.

3.Despite the direction issued by this Court on 02.09.2020, no order has been passed and therefore, a contempt petition appears to have been filed on behalf of the petitioner. However, till date, no final order has been passed. Therefore, the petitioner is once again before this Court.

4.This Court is unable to appreciate as to why the second writ petition is filed for the same relief, which was the subject matter in the aforesaid writ petition. When a direction was issued by this Court and the direction has not been obeyed and rightly a contempt petition has been filed as against the said writ petition, the proper course for the petitioner is to pursue his remedies in the contempt petition and not by filing another writ petition seeking the same direction. The petitioner cannot be allowed to needlessly multiply the litigations before this Court for the same cause of action.



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5. For the aforesaid reasons, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1. The Director of Matriculation School,
DPI Campus,
College Road,
Chennai.
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3. The District Educational Officer,
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O/o. the District Educational Office,
Kumbakonam Educational District,
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Thanjavur District.

+1 CC to M/s.C.ARUL VADIVEK @ SEKAR, Advocate (SR-1561[F] dated 21/01/2021)

W.P. (MD) No. 577 of 2021
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mj (CO)

TR(08.02.2021) 3P 6C