



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.2324 of 2013

and M.P. (MD) .No.1 of 2013

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Grama Munnettra Sangam,
Edamalaipatti,
Tiruchirappalli,
Represented by its Secretary,
A.Mohanasundaram

...Petitioner

Vs.

1.The State represented by
The Secretary,
Education Department,
Fort St. George,
Chennai.

2.The Chief Educational Officer,
Syed Muthusha Higher Secondary School,
Madurai Road,
Tiruchirappalli.

3.The District Educational Officer,
Tiruchirappalli.

4.Paramasivam

5.The District Educational Officer,
Primary Education,
Sethuram Pillai Colony,
Subramaniapuram,
Tiruchirappalli - 20.

6.The District Educational Officer,
High School Education,
Collectorate,
Collectorate's Officer,
Tiruchirappalli - 1.

... Respondents

(Cause title amended vide Court order, dated 20.02.2017 in W.M.P. (MD).No.101 of 2017 and R6 impleaded vide Court order dated 27.02.2017 in W.M.P. (MD).No.2722 of 2017)

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to have all dealings including payment of grant and salaries to the teaching and non-teaching staff of the school Kalai Magal High School at Edamalaipatty, Trichy, only with the petitioner as per



the provisions of the Tamil Nadu Recognized Private Schools Regulation Act 1973.

For Petitioner : Mr.V.Singan

For Respondents : Mr.R.Suresh Kumar for R1 to 3, 5 & 6
Government Advocate

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Mr.T.Antony Arul Raj for R4

ORDER

This writ petition has been filed for the issue of a writ of Mandamus, directing the respondents to recognize the petitioner and to pay the salary and other grants only through the petitioner as per the provisions of the Tamil Nadu Recognized Private Schools Regulation Act, 1973.

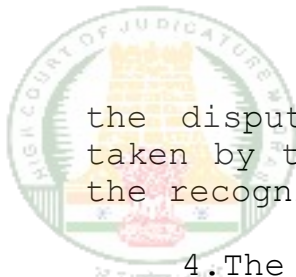
2.When the matter was taken up for hearing, on 29.04.2021, this Court passed the following Order:

"It is brought to the notice of this Court that the dispute between the petitioner and the fourth respondent has come to an end before the civil Court and the petitioner had succeeded. It is also brought to the notice of this Court that the school in question is an aided school from I Standard to VII Standard and insofar as the IX and X Standard are concerned, it is a self financing school.

2.The learned Additional Government Pleader shall take instructions from the respondents on two aspects (a) whether the private dispute between the parties has to come to an end and the petitioner is in control of the management of the school and (b) if the petitioner is in control of the management of the school, such direct payment of salary to the teaching and non-teaching staff should be continued or the petitioner's school can send the proposal and based on the proposal, the salary can be directly transferred through ECS to the teaching and non-teaching staff.

3.Post this case on 09.06.2021 under the caption 'for orders'.

3.When the matter was taken up for hearing today, the learned Government Advocate based on written instructions received from the third respondent submitted that till now, neither the petitioner nor the fourth respondent have submitted any documents to the Educational Authorities to establish that the Civil dispute among them has come to an end. The learned Government Advocate further submitted that if the documents are submitted before the third respondent, and the third respondent is able to satisfy himself that



the dispute has been amicably settled, thereafter steps will be taken by the third respondent to pay the grants and salary through the recognized person. Till then, the direct payment will continue.

4.The learned counsel appearing on behalf of the petitioner submitted that all the relevant documents are readily available and it will be submitted before the third respondent. The learned counsel requested this Court to give a direction to the third respondent to act upon the materials and take a decision within the time frame fixed by this Court.

5.Taking into consideration the facts and circumstances of the case and the subsequent developments that have been taken place in this case, there shall be a direction to the third respondent to consider the materials submitted by the petitioner and the fourth respondent and if the civil dispute between the parties has come to an end, the same shall be recognized and the grant and the salary shall be paid through the recognized person in accordance with the Tamil Nadu Recognized Private Schools Regulation Act, 1973. This decision shall be taken by the third respondent, within a period of four weeks from the date of receipt of relevant materials from the petitioner and the fourth respondent.

6.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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 Secretary Government of Tamil Nadu,
Education Department,
Fort St. George, Chennai.

2.The Chief Educational Officer,
Syed Muthusha Higher Secondary School,
Madurai Road, Tiruchirappalli.



3.The District Educational Officer,
Tiruchirappalli.

4.The District Educational Officer,
Primary Education,
Sethuram Pillai Colony,
Subramaniapuram,
Tiruchirappalli - 20.

5.The District Educational Officer,
High School Education,
Collectorate,
Collectorate's Officer,
Tiruchirappalli - 1.

+1 CC to M/s.SPL GP (SR-23192[F] dated 19/07/2021)

W.P. (MD) .No.2324 of 2013

16.07.2021

RD(26.07.2021) 4P 7C