



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.7880 of 2021

and

W.M.P. (MD) .No.6016 of 2021

WEB COPY

D.Victor Shelton Doss

... Petitioner

Vs.

1. The Director of School Education,
Office of the Director of School Education,
College Road, DPI Complex, Chennai.
2. The District Elementary Educational Officer,
Office of the District Elementary Educational Officer,
Sankarankovil, Tenkasi District.
3. The Block Educational Officer,
Alangulam, Tenkasi District.
4. J.Samuvel

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents 1 to 3 to approve the petitioner as a Secretary of Gnana Guru Vidyasalai Primary School at Venkateswarapuram @ Reddiarpatti, Tenkasi District, on the basis of the petitioner's representation dated 10.11.2020 by considering the settlement deeds dated 22.09.2020 and 30.09.2020 vide Document Nos.2115/2020 and 2237/2020 within time stipulated by this Court.

For Petitioner : Mr.C.Jeganathan

For R-1 to R-3 : Mr.R.Suresh Kumar,
Government Advocate

ORDER

This writ petition has been filed for the issue of a Writ of Mandamus directing the respondents 1 to 3 to consider the representation made by the petitioner on 10.11.2020, wherein, the petitioner had sought for approving his taking over the administration of the School in his capacity as a Secretary.

2. When the matter was taken up for hearing on 23.04.2021, this Court passed the following order:-

When the matter came up for admission on 16.04.2021, this Court after taking into consideration the plea raised by the learned Senior Counsel appearing on behalf for the petitioner,



directed the learned Additional Government Pleader, appearing for the respondents 1 to 3 to take instructions.

2. This Court was more concerned about the disbursement of salary to the teaching and the other non-teaching staff. It is said to have been disrupted due to the confusion created by the fourth respondent, who was the Secretary. It was also brought to the notice of this Court that the fourth respondent was involved in some criminal case and he is absconding.

4. Learned Additional Government Pleader, on instructions submitted that the petitioner cannot act as the Secretary in the present case. It was further submitted that insofar as the disbursement of salary to the teaching and non-teaching staff is concerned, the District Educational Officer can undertake the said exercise, if any directions are issued by this Court in that regard.

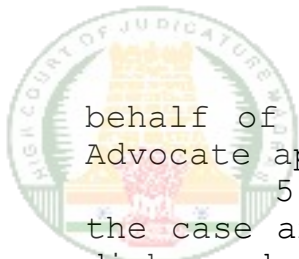
5. For the present, this Court is more concerned about the salary to be disbursed to the teaching and non-teaching staff without any disruption. The other issues raised in this writ petition can be decided at a later point of time after the counter is filed by the respondents

6. In view of the above, the District Educational Officer, Sankarankovil, Tenkasi District shall immediately take charge of the petitioner's School and shall ensure that the salary is disbursed to the teaching and non-teaching staff without any disruption. This interim arrangement shall continue till further orders are passed in this writ petition.

7. Post this case under the caption 'for orders' on 05.07.2021. In the mean time, the respondents are directed to file the counter affidavit.

3. When the matter was taken up for hearing today, the learned Government Advocate appearing on behalf of the respondents 1 to 3 submitted that the District Educational Officer, Sankarankovil, Tenkasi District, through proceedings, dated 03.06.2021, has directed the direct payment of the salary to the teaching and non-teaching staff till a Secretary takes charge of the management of the School.

4. Heard Mr.C.Jeganathan, learned counsel appearing on



behalf of the petitioner and Mr.R.Suresh Kumar, learned Government Advocate appearing on behalf of the respondents 1 to 3.

5. Taking into consideration the facts and circumstances of the case and also of the fact that the salary is now being directly disbursed to the teaching and non-teaching staff, there shall be a direction to the second respondent to consider the representation made by the petitioner on 10.11.2020 and deal with the same in accordance with the Tamil Nadu Private Schools Regulation Act and pass orders within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. The petitioner is directed to make a fresh representation to the second respondent along with all the relevant documents and also a copy of this order.

7. This Writ Petition stands disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

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 School Education,
Office of the Director of School Education,
College Road, DPI Complex, Chennai.
2. The District Elementary Educational Officer,
Office of the District Elementary Educational Officer,
Sankarankovil, Tenkasi District.
3. The Block Educational Officer,
Alangulam, Tenkasi District.

+1 CC to M/s.SPL GP (SR-21332[F] dated 06/07/2021)

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