



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.06.2021

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.9232 of 2021

S.S.Muthu Chettiar Hindu Primary School
Oonjampatti - 627753
Rajapalayam,
Virudhunagar District
Through its Secretary
Sadhasivam

... Petitioner

vs.

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

2. The District Educational Officer,
Srivilliputhur,
Virudhunagar District.

3. The Block Educational Officer,
Rajapalayam,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the 2nd respondent to approve the school committee nominated as per resolution dated 19.08.2020 by the educational agency of the petitioner school namely S.S.Muthu Chettiar Hindu Primary School, Oonjampatti-627753 and as per representation of the petitioner dated 20.01.2021.

For Petitioner	: Mr.K.K.Kannan
For Respondents	: Mr.P.Thilak Kumar, Standing Counsel. For government of Tamil nadu

ORDER

Mr.P.Thilak Kumar, learned Standing Counsel accepts notice on behalf of the respondents.

2. By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

3. This Writ Petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, to direct the 2nd respondent to consider the representation of the petitioner dated 20.01.2021.



4. The case of the prosecution is that the petitioner school is an aided school and there are 2 teachers working in the sanctioned post. The Educational Agency of the School constituted a School Committee for 3 years from 01.09.2020 to 31.08.2023. The proposal for the approval sent to the 3rd respondent on 20.08.2010. The 3rd respondent made recommendation to the second respondent for the approval of school Committee as per proceedings dated 14.09.2020. However, the 2nd respondent instead of approving the school Committee, illegally withheld the salary of the teachers. Hence, the petitioner filed W.P(MD).No.15731 of 2020 before this Court and it was ordered for salary. Since, the 2nd respondent returned the proposal for rectification of some defects, the petitioner rectified the same and made final representation on 20.01.2021, but, no order has been passed. Therefore, there is a lawful delay and refusal on the part of the 2nd respondent. Hence, this writ petition.

5. The learned counsel for the petitioner would state that it would be suffice if a direction is given to the respondents to dispose of the representation of the petitioner.

6. The learned standing counsel appearing for the respondents would state that the representation of the petitioner would be considered within a reasonable time.

7. Considering the submissions of the learned counsel for the petitioner as well as the respondents and in the light of the facts and circumstances of the case, the second respondent is directed to dispose of the representation of the petitioner, dated 20.01.2021, on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition is disposed of.No Costs.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

kmm

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,
College Road,
Chennai - 6.

2. The District Educational Officer,
Srivilliputhur,
Virudhunagar District.

3. The Block Educational Officer,
Rajapalayam,
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+1 CC to M/s.SPL GP (SR-18942[F] dated
07/06/2021)

W.P. (MD) No.9232 of 2021
04.06.2021

KB(28.06.2021) 3P 5C