



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2021

CORAM :

**THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE
AND**

The HON'BLE MR.JUSTICE T.S.SIVAGNANAM

W.A. (MD) No.1186 of 2021

and

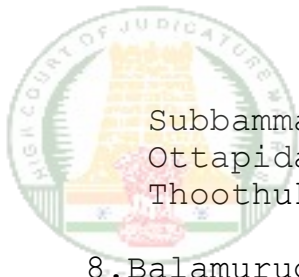
C.M.P (MD) .No.5047 of 2021

K.Karpagam

.. Appellant/Writ Petitioner

Vs

- 1.The Director of School Education,
O/o., the Director of School Education,
DPI Compound, College Road,
Chennai.
- 2.The Chief Educational officer,
Office of the Chief Educational Office,
Thoothukudi, Thoothukudi District.
- 3.The District Educational Officer,
Office of the District Educational Office,
Thoothukudi,
Thoothukudi District.
- 4.The Chairman,
Muthukaruppan Memorial Hr.Sec.School,
Subbammalpuram, Sillakulam (Post),
Ottapidaram Taluk,
Thoothukudi District.
- 5.R.Nirmala,
The Chairman
Muthukaruppan Memorial Hr.Sec.School,
Subbammalpuram, Sillakulam (Post),
Ottapidaram Taluk,
Thoothukudi District.
- 6.The Correspondent,
Muthukaruppan Memorial Hr.Sec.School,
Subbammalpuram, Sillakulam (Post),
Ottapidaram Taluk,
Thoothukudi District.
- 7.K.Saroja
The Correspondent
Muthukaruppan Memorial Hr.Sec.School,



Subbammalpuram, Sillakulam (Post),
Ottapidaram Taluk,
Thoothukudi District.

8.Balamurugan,
Secretary,
Muthukaruppan Memorial Hr.Sec.School,
Subbammalpuram, Sillakulam (Post),
Ottapidaram Taluk,
Thoothukudi District.

.. Respondents/Respondents

PRAYER: Appeal under Clause 15 of the Letters Patent, against the order dated 17.04.2021, passed in W.P.(MD) No.18093 of 2020.

Prayer in WP(MD). 18093/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court E-3. To issue a Writ of Certiorari calling for the records relating to the impugned order passed by the 3rd respondent in his proceedings in Na.Ka.No. 904/A1/2020 dt. Nil 05.220 and quash the same as illegal.

For Appellant	: Mr.M.Ajmal Khan, Senior Counsel for M/s.Ajmal Associates
For Respondents1-3	: Mr.A.K.Manickam Standing Counsel.
For 5 th Respondent	: Mr.V.Panneerselvam
For 8 th Respondent	: Mr.C.Mayil Vahana Rajendran

JUDGMENT

[Judgment of the Court was delivered by
The Hon'ble Chief Justice]

The matter pertains to the composition of the school committee pertaining to Muthukaruppan Memorial Higher Secondary School in Ottapidaram Taluk of Thoothukudi District.

2.The appeal is directed against an order dated April 17, 2021, by which the grievances of the appellant have been relegated to a suit upon the Court noticing that there was a suit pending pertaining to the relevant educational institution.

3.There is sufficient basis to the appellant's submission that the grievances aired in the petition cannot be conveniently decided in the suit and may not be within the scope of such proceedings. At the same time, it cannot be lost sight of that the constitution of a school committee ultimately depends on the approval being granted by the competent authority in accordance with the Private Schools Regulation Laws in Tamil Nadu. The appellant complains that the constitution of the school committee in this case is in



contravention of Rule 12 of the Tamil Nadu Recognized Private Schools (Regulation) Rules, 1974. The appellant also refers to Rule 13 of the said Rules and asserts that the Headmaster of the relevant educational institution has, per force, to be the Secretary to the school committee.

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4.However, Rule 13 of the said Rules mandates that the relevant educational agency would nominate one of its representatives as the Secretary of the school committee and the proviso thereto permits the Headmaster to be appointed as Secretary. The necessity of the proviso is by reason of the proviso to Rule 12(3)(i). Such proviso to Clause (i) of sub-Rule (3) requires that the employees of the school shall not be nominated under this category. Since the Headmaster of a school may be regarded as an employee, it was necessary to incorporate the proviso to Rule 13(1) of the said Rules to make the Headmaster eligible to be appointed as Secretary, notwithstanding the Headmaster being an employee of the relevant school. But it is not imperative that the Headmaster be the Secretary and it is open to an educational agency to nominate any one other than the Headmaster as Secretary so long as the person nominated is one of the nominees to the school committee.

5.The committee in this case has been approved by the competent agency and the appellant says that the provisions of Rule 12 of the said Rules may not have been kept in mind while according the approval. Without going into the further merits of the matter and the several grounds urged by the appellant, the impugned order of approval of May, 2020, should be revisited by the competent authority, the third respondent herein. Both the appellant and the educational agency may be heard out by the third respondent and an appropriate order be passed within six weeks of the receipt of a copy of this order. Till such time the further decision of the District Educational Officer is communicated to the appellant and the relevant educational agency, the current committee will continue.

6.W.A.[MD]No.1186 of 2021 is disposed of by setting aside the order impugned dated April 17, 2020 and substituting the same with the directions aforesaid. C.M.P.[MD].No.5047 of 2021 is closed.

7.There will be no order as to costs.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

<https://hcservices.ecourts.gov.in/hcservices/>



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.

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- 3.The District Educational Officer,
Office of the District Educational Office,
Thoothukudi,
Thoothukudi District.

+1 CC to M/s.V.PANNER SELVAM, Advocate (SR-20124[F] dated 24/06/2021)

+1 CC to M/s.SPL GP (SR-20339[F] dated 25/06/2021)

W.A. (MD) No.1186 of 2021
24.06.2021

KB(01.07.2021) 4P 6C