



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.12481 of 2021

and

W.M.P. (MD) ,Nos.9775 to 9777 of 2021

WEB COPY

Kovilpatti Nadar Uravinmurai Sangam,
Represented by its President,
A.P.K.Palaniselvam Nadar

... Petitioner

Vs.

1.The District Collector,
Tuticorin District, Tuticorin.

2.The Chief Educational Officer,
Tuticorin District, Tuticorin.

3.The District Educational Officer,
Tuticorin District, Tuticorin.

4.The District Elementary Educational Officer,
Tuticorin District, Tuticorin,

5.The District Registrar,
O/o. the District Registrar Office,
Palayamkottai,
Tirunelveli District.

... Respondents

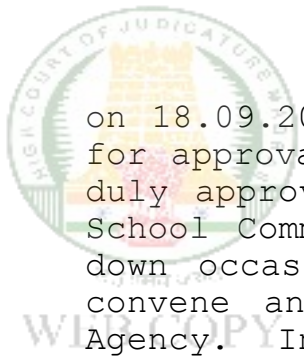
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records pertaining to the impugned order passed by the third respondent in his proceedings in Na.Ka.No.2712/A2/2021, dated 14.07.2021 and quash the same as illegal.

For Petitioner : Mr.C.Mayil Vahana Rajendran
For Respondents : Mr.P.Subbaraj,
Counsel for State

ORDER

The petitioner challenges the order dated 14.07.2021 of the third respondent by which the third respondent informed the petitioner that the tenure of the School Committee cannot be extended unless the relevant Form-VII is produced.

2. The petitioner states that elections were conducted in the year 2017. Pursuant thereto, the School Committee and other Committees were constituted. On such basis, the relevant Form-VII was submitted to the fifth respondent and the same was duly accepted



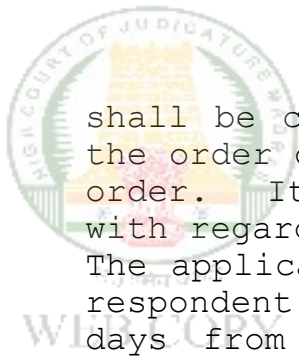
on 18.09.2017. On the basis of a proposal sent by the respondents for approval of the School Committee, the School Committee was also duly approved by respondents 2 to 4. Although the tenure of such School Committee was to expire on 04.09.2020, in view of the lock down occasioned by the COVID-19 pandemic, it was not possible to convene and conduct the General Body Meeting of the Educational Agency. In such circumstances, a request was made for extension of the tenure of the School Committee. On account of the failure of the respondents to take action on such request, the petitioner filed W.P.(MD).No.10671 of 2021. The said Writ Petition was disposed of by order dated 28.06.2021, whereby the third respondent therein was directed to consider the petitioner's representations dated 11.01.2021 and 25.01.2021 and consider granting an extension of the tenure of the School Committee until normalcy is restored. By such order, the third respondent was permitted to impose a condition that the elections should be conducted within a specified time limit.

3. The petitioner states that the aforesaid order was not complied with by the respondents. Instead, the impugned order was issued whereby the third respondent insisted upon the production of Form-VII. According to the petitioner, it is not possible to file Form-VII unless the General Body Meeting is convened and the elections of the School Committee are conducted. Consequently, it is stated that the impugned order has been passed in complete disregard of the earlier order of this Court in W.P.(MD).No.10671 of 2021.

4. On the contrary, learned counsel for the State submits that Rule 12 (1) of the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973, prescribes that the tenure of the School Committee is three years. It is further stated that there is no provision for the extension of the tenure of the School Committee. Consequently, the respondents took the decision to bring the School under the Direct Payment System.

5. The rival contentions were duly considered. Upon perusal of the order dated 28.06.2021 in W.P.(MD).No.10671 of 2021, it is evident that the respondents were directed to consider the request by the petitioner for an extension of the tenure of the School Committee without insisting on Form-VII at this juncture. Such order was issued by taking note of the unprecedented situation caused by the COVID-19 pandemic and the lock downs announced in the wake of such pandemic. The said order of this Court has been completely disregarded while issuing the impugned order. Consequently, the impugned order cannot be sustained.

6. As a result, the impugned order dated 14.07.2021 is quashed. As a corollary, the matter is remitted to the third respondent. The third respondent is directed to consider the petitioner's request dated 25.01.2021 for an extension of the tenure of the School Committee without insisting on Form-VII. Such request



shall be considered by the third respondent by taking into account the order dated 28.06.2021 in W.P.(MD).No.10671 of 2021 as also this order. It is open to the third respondent to impose a condition with regard to the conduct of the elections of the School Committee. The application of the petitioner shall be disposed of by the third respondent by way of a speaking order within a period of thirty (30) days from the date of receipt of a copy of this order. Such reasoned order shall be passed after providing a reasonable opportunity to the petitioner.

7. Accordingly, W.P.(MD).No.12481 of 2021 is disposed of on these terms without any order to costs. Consequently, connected W.M.P.(MD).Nos.9775 to 9777 of 2021 are closed.

Sd/-

Assistant Registrar (CSIII)

// 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 District Collector,
Tuticorin District, Tuticorin.
- 2.The Chief Educational Officer,
Tuticorin District, Tuticorin.
- 3.The District Educational Officer,
Tuticorin District, Tuticorin.
- 4.The District Elementary Educational Officer,
Tuticorin District, Tuticorin,
- 5.The District Registrar,
O/o. the District Registrar Office,
Palayamkottai, Tirunelveli District.

+1CC to M/s.SPL GP.SR.No.27153 dated 25.08.2021

W.P (MD) No.12481 of 2021
24.08.2021

DJ(CO)

KB(01.09.2021) 3P 7C

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