



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.12766 of 2021

WEB COPY

Sri Manthiramoorthi Higher Secondary
School Committee, (Educational Agency),
through its Life Member,
S.Mantira Subramanian,
11, Railway Feeder Road,
Tirunelveli Town, Tirunelveli. ...Petitioner

Vs.

The District Educational Officer,
Tirunelveli-1 ... Respondent

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to recognize and approve the petitioner as Life Member / Secretary of Sri Manthiramoorthi Higher Secondary School in the place of deceased Life Member / Secretary Late Mr.Manthira Ganesan as per the Deed of Trust dated 23.10.1918 and in accordance with the Judgment and Decree passed in S.A.No.702 of 1945 and S.A.(MD).No.1174 of 2004.

For Petitioner	: Mr.S.Kumar
For Respondent	: Mr.R.Suresh Kumar Government Advocate

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the respondents to consider the request made by the petitioner, on 07.01.2021, wherein, the petitioner has requested the respondent to approve him as the Secretary of the School, in line with the judgment and decree passed in S.A.No.702 of 1945 and S.A.(MD).No.1174 of 2004.

2.Heard Mr.S.Kumar, learned counsel for the petitioner and Mr.R.Suresh Kumar, learned Government Advocate appearing for the respondents.

3.The case of the petitioner is that a competent Civil Court has already passed a decree of declaration with regard to the right as Life Member cum Secretary of the Educational Agency and the School Committee. The same became final by virtue of the judgment and decree passed in S.A.No.702 of 1945 and S.A.(MD).No.1174 of 2004.



4.As per the decree, the eldest male member of the family will automatically become the Life Member cum Secretary of the School. Accordingly, the brother of the petitioner who was the eldest member had made a request to recognise him as the Secretary. Since the application was not considered, he filed writ petitions before this Court in W.P.(MD).No.11198 of 2014 and 11199 of 2014. This Court by an order, dated 22.09.2014, allowed the writ petitions and accordingly, the brother of the petitioner was approved as the Life Member cum Secretary of the School by the respondent. The approval was given for a period of three years from 22.06.2018 to 21.06.2021.

5.The brother of the petitioner died, on 20.08.2020. Thereafter, the petitioner claims to be the eldest male member of the family and therefore, is entitled to be approved as the Secretary of the School. The petitioner, therefore, made a representation to the respondent, on 07.01.2021 and since the same was not acted upon, the petitioner once again made a request on 10.02.2021 to recognize him as the Life Member cum Secretary of the Educational Agency and School Committee. Since the same was not acted upon, the present writ petition has been filed before this Court, seeking for appropriate directions.

6.Taking into consideration the facts and the circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the respondent to immediately act upon the representation made by the petitioner, on 07.01.2021, in line with decree passed by the Civil Court. The respondent shall take a decision after conducting an enquiry, within a period of four weeks from the date of receipt of a copy of this order. If there are any other interested parties, notice shall also be issued to them before taking a decision.

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

8.This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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.

WEB COPY

To

The District Educational Officer,
Tirunelveli-1

+1 CC to M/s.SPL GP (SR-24388[F] dated 29/07/2021)

+1 CC to M/s.S.KUMAR, Advocate (SR-24473[F] dated 29/07/2021)

W.P. (MD) .No.12766 of 2021

Dated:28.07.2021

RK (05.08.2021) 3P 4C