



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2021

CORAM

THE HON'BLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P.(MD)No.14562 of 2021

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Sri Manthiramoorthi Higher
Secondary School Committee,
[Educational Agency]
through its Life Member
S.Manthira Subramanian.

... Petitioner

Vs.

The District Educational Officer,
Tirunelveli - 1.

... Respondent

Prayer: Writ 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 Manthiramoorthy Primary 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.702/1945 and S.A(MD).No.1174/04.

For Petitioner : Mr.S.Kumar

For Respondent : Mr.P.Subbaraj, Counsel for the State.

O R D E R

The petitioner seeks a direction to the District Educational Officer, Tirunelveli to recognise and approve him as Life Member/Secretary of the Sri Manthiramoorthy Primary School in place of the deceased Life Member/Secretary, namely, Mr.Manthira Ganesan. The petitioner states that his great-grandfather established the Sri Manthiramoorthy Secondary School, which was subsequently upgraded as two schools, namely, a primary and a higher secondary school. In terms of the trust deed, it is stated that a family member should hold the post of Secretary and that such post has been filled-up by succession by the eldest male member of the family.

2. After the death of his father, on account of the unwillingness of the Sri Manthiramoorthy Secondary School Committee and the educational agency to allow his brother to function as a Life Member, his brother filed O.S.No.507 of 1993 on the file of the Principal District Munsif Court, Tirunelveli. Such suit was dismissed. Against the order of dismissal, the



petitioner's brother filed A.S.No.22 of 2002, which was allowed on 26.02.2004. The second appeal against the order of the first Appellate Court was dismissed on 17.04.2013 and the Special Leave Petition against the judgment of the second Appellate Court was also dismissed as withdrawn on 11.04.2014.

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3. On the basis of the judgment and decree referred to above, the petitioner's brother claimed recognition as Secretary/Life Member. Eventually, after filing a writ petition in this regard, such approval was granted for the period of three years between 22.06.2018 and 21.06.2021. On account of his brother's death on 20.08.2020, the petitioner requested the respondent to recognise him as Life Member cum Secretary in place of his brother. The present writ petition is filed on account of the failure of the respondent to pass orders in such regard.

4. The petitioner brings to the notice of the Court an earlier order of this Court in W.P(MD).No.12766 of 2021, whereby a similar request in respect of the higher secondary school was considered by this Court and the respondent was directed to consider and dispose of the petitioner's representation by conducting an inquiry. A similar order is requested for herein.

5. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the sole respondent. He submits that the petitioner's representation may be directed to be considered and disposed of on merits.

6. The documents on record disclose that the petitioner has made a representation dated 07.01.2021 to the respondent. Such representation refers to the judgment and decree in S.A.No.1174 of 2004. In these circumstances, the respondent should consider and dispose of the petitioner's representation.

7. Accordingly, without going into the merits of the matter, the respondent herein is directed to consider the petitioner's representation dated 07.01.2021 for recognition and approval as Life Member/Secretary of the Sri Manthiramoorthy Primary School in place of his deceased brother Mr.Manthira Ganesan. Such representation shall be considered and disposed of after conducting an inquiry. The respondent is directed to provide a reasonable opportunity at such inquiry to the petitioner, the members of the Sri Manthiramoorthy Secondary School Committee and any others who would be affected by such decision. The reasoned decision upon conclusion of the inquiry shall be communicated to the petitioner within a period of six weeks from the date of receipt of a copy of this order.



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8. W.P(MD).No.14562 of 2021 is disposed of without any order as to costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

pkn

To:

The District Educational Officer,
Tirunelveli - 1.

+1 CC to M/s.Special Govt.Pleader (SR-26655[F] dated 18/08/2021)

W.P. (MD)No.14562 of 2021

17.08.2021

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