



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :17.12.2021

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**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN**

W.P(MD).Nos.14950 and 14952 of 2021

and

W.M.P(MD)Nos.11863, 11864, 11871 and 11876 of 2021

**W.P(MD)No.14950 of 2021**

The Secretary,  
Nadar Vidhyasalai Middle School,  
South Gate - 625 001,  
Madurai District.

... Petitioner

**Vs.**

1.The State of Tamil Nadu,  
Represented by its Secretary,  
Department of School Education,  
Fort St.George,  
Chennai - 600 009.

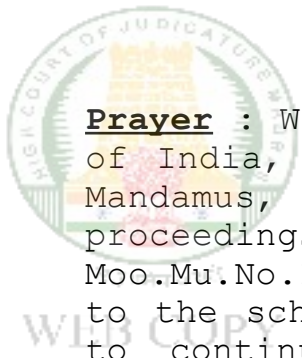
2.The Commissioner of School Education,  
Directorate of School Education,  
College Road, Chennai - 600 006.

3.The Chief Educational Officer,  
Thallakulam - 625 002.  
Madurai District.

4.The District Educational Officer,  
Hakim Ajmal Khan Road,  
Chinna Chokikulam - 625 002.  
Madurai District.

5.The Block Education Officer,  
Madurai South-625 001.  
Madurai District.

...Respondents



**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the fourth respondent DEO in Moo.Mu.No.1045/A5/2021, dated 22.03.2021, ordering direct payment to the school, quash the same and further direct the respondents to continue with the registration of the petitioner as the Secretary of the Nadar Vidhyasalai Middle School Committee on the basis of the Resolution, dated 27.12.2020 of the Educational Agency (Madurai Therkuvasal Nadar Vidhdhiyabiviruthi Sangam).

For Petitioner : Mr.Isaac Mohanlal  
Senior Counsel  
For Mr.H.Thayumana Swamy

For Respondents : Mr.S.Shanmugavel  
Additional Government Pleader

**W.P(MD)No.14952 of 2021**

The Secretary,  
Nadar Higher Secondary School,  
South Gate - 625 001,  
Madurai District.

... Petitioner

**Vs.**

1.The State of Tamil Nadu,  
Represented by its Secretary,  
Department of School Education,  
Fort St.George,  
Chennai - 600 009.

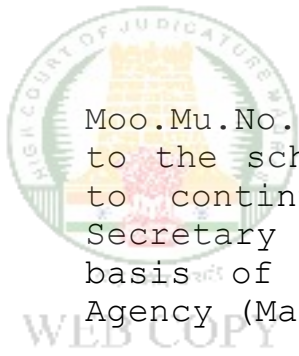
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3.The Chief Educational Officer,  
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Madurai District.

4.The District Educational Officer,  
Hakim Ajmal Khan Road,  
Chinna Chokikulam - 625 002.  
Madurai District.

...Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the fourth respondent DEO in



Moo.Mu.No.668/Aa4/2021, dated 16.02.2021, ordering direct payment to the school, quash the same and further direct the respondents to continue with the registration of the petitioner as the Secretary of the Nadar Higher Secondary School Committee on the basis of the Resolution, dated 27.12.2020 of the Educational Agency (Madurai Therkuvasal Nadar Vidhdhiyabiviruthi Sangam).

For Petitioner : Mr.Isaac Mohanlal  
Senior Counsel  
For Mr.H.Thayumana Swamy

For Respondents : Mr.S.Shanmugavel  
Additional Government Pleader

**COMMON ORDER**

Both the writ petitions have been filed by two different schools, but run by the same society.

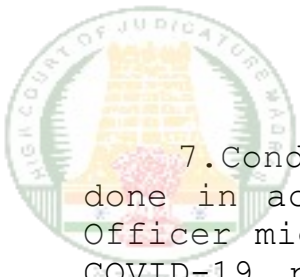
2.The Nadar Vidhyasalai Middle School at South gate in Madurai District, represented by the Secretary is the writ petitioner in W.P(MD)No.14950 of 2021. The school had been established in the year 1919. It had been upgraded as Middle School in the year 1937.

3.The writ petitioner in W.P(MD)No.14952 of 2021, is the Nadar Higher Secondary School, South Gate, Madurai also represented by its Secretary and it was established in the year 1956 as a High School and had been upgraded as a Higher Secondary School in the year 1989.

4.Both the schools are run by the same society, namely, Nadar Vidhyabiviruthi Sangam, at Therkuvasal in Madurai. The society has been in existence for quite nearly about hundred years.

5.Mr.Isaac Mohanlal, learned Senior Counsel appearing for the petitioner pointed out the necessity for instituting the writ petitions, namely, an order passed by the District Educational Officer, Madurai, who is the fourth respondent herein, who by order, dated 16.02.2021, had stated that the grant-in-aid towards the salary of the teaching and non-teaching staffs of the two schools should be borne only by the schools themselves. Questioning that particular order of the fourth respondent, the two writ petitions had been filed.

6.Mr.Isaac Mohanlal, learned Senior Counsel took the Court through the sequence of events, particularly, the manner in which the COVID-19 situation appears to have affected the calling of the General Body Meeting, which is a pre-requisite to elect a Secretary or a Correspondent for the two schools.



7. Conducting such an election is mandatory and if it is not done in accordance with the rules then, the District Educational Officer might step in under certain circumstances. Owing to, the COVID-19 protocols which limited the gathering of people, the society, which has in its roll of 925 members could not convene the General Body Meeting during the period of lock down from March 2020.

8. Prior to that, the elected members have submitted to the Registrar in Form-VII. It had been repeatedly stated by Mr. Isaac Mohanlal, learned Senior Counsel for the petitioner that there is no dispute among the members and there is no question of any challenge to the elected Secretary. The only grievance is that the General Body could simply not be convened, owing to the restrictions imposed by the Government.

9. Finally, a decision was taken on 27.12.2020, by the Executive Committee of twenty members to nominate a particular individual as the Secretary. This resolution of the Executive Committee was forwarded on 28.12.2020 to the District Educational Officer. The period when the term expired was on 31.12.2020. This infact was an extended period. Thereafter, a further request was sought for extending the period of term of the Secretary. The Secretary, however, who was nominated by the Executive Committee continued to function and it is stated very fairly by Mr. Isaac Mohanlal, learned Senior Counsel that the Secretary himself had written a letter stating that the school should come forward to pay the grant-in-aid towards the salary of the teachers and other non-teaching staffs.

10. Placing reliance on such a letter, the District Educational Officer, also passed a similar order, directing that the grant-in-aid towards the salary of the teaching and non-teaching staffs of the two schools should be borne only by the management of the two schools and that the Government would not step in.

11. That decision, according to the learned Senior Counsel requires reconsideration. He pointed out that the said decision was of course based on the letter of the Secretary, but, still an obligation had been placed on the District Educational Officer to call, or rather invite the Secretaries of the two schools for a personal meeting and find out the difficulties which they faced in holding the General Body Meeting and in electing a Secretary in the procedure as contemplated and thereafter, take a decision. But, however a decision has been taken.

12. I would permit both the petitioners herein, to once again approach the District Educational Officer with all the requisite



documents regarding the various resolutions passed with respect to the term of the Secretary and more particularly, the decision of the Executive Committee, dated 27.12.2020 and also any other document which the schools possess and also submit documents with respect to the hardships faced by them owing to the order passed by the District Educational Officer in putting the onus on them to bear the grant-in-aid salary of the teaching and non-teaching staffs. The petitioners may also bring to the notice of the District Educational Officer the various Government orders passed restricting them from calling for a General Body Meeting of the nearly 925 members.

13.Let the District Educational Officer, on such representation, and on such personal appearance, arrive at a personal satisfaction, and if deemed fit and deemed appropriate, revisit the order already passed. He may take a decision in accordance with the circumstances and in accordance with the documents presented by the petitioners herein. Till he takes a decision, the order already passed may continue. But, it is hoped that he would pass necessary orders within a reasonable period of time.

14.Let a fresh representation be given by the petitioners on or before 15.01.2022 and thereafter, let notice be issued to them for personal appearance and for an enquiry and thereafter, let the fourth respondent/The District Educational Officer once again revisit his own order or confirm his order on or before 15.02.2022.

15.With the above direction, these Writ Petitions are disposed of. No costs. Consequently, the connected Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar (CS-)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lr

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 Secretary,  
The State of Tamil Nadu,  
Department of School Education,  
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Chennai - 600 009.

2.The Commissioner of School Education,  
Directorate of School Education,  
College Road, Chennai - 600 006.

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Madurai District.

5.The Block Education Officer,  
Madurai South-625 001.  
Madurai District.

+1 CC to M/s.H.THAYUMANASWAMY, Advocate ( SR-39608[F] dated  
20/12/2021 )

W.P(MD) .No.14950 and 14952 of 2021  
17.12.2021

RK(31/12/2021) 6P 7C