



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P (MD)No.15138 of 2021

and

W.M.P. (MD) .No.12066 of 2021

WEB COPY

Nachiarpuram Hindu Thodakkappalli
Nirvaga Committee
Represented by its Secretary,
Veluchamy, Nachiarpuram,
Kovilpatti, Thoothukudi District.

... Petitioner

Vs.

1.The District Educational Officer,
Kovilpatti, Thoothukudi District.

2.The Block Educational Officer,
Kovilpatti, Thoothukudi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the order passed by the first respondent in his proceedings in Na.Ka.No.6097/A3/2019 dated 03.08.2021 and quash the same.

For Petitioner : Mr.V.Paneer Selvam

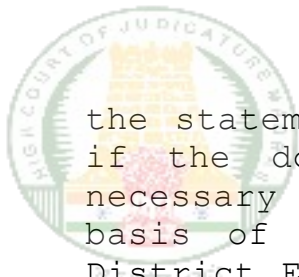
For Respondents : Mr.R.Baskaran

Counsel for State

ORDER

The petitioner challenges a notice calling for the production of specified documents. The main basis of challenge is that the Tamil Nadu Recognized Private Schools (Regulation) Rules, 1974 specify that the competent authority to derecognize a school is the Chief Educational Officer, whereas the notice under challenge has been issued by the District Educational Officer. On such basis, the petitioner contends that the notice has been issued without jurisdiction.

2. Ordinarily, in judicial review, the Court does not interfere when a show cause notice or notice in relation to an inquiry is challenged. The exception is when such notice is *ex facie* without jurisdiction. In the case at hand, the allegation that the notice is without jurisdiction is made on the basis of



the statement in the last line of such notice to the effect that if the documents called for are not produced it may become necessary to cancel the recognition granted to the School. On the basis of the said statement, it cannot be concluded that the District Educational Officer would proceed to initiate action for derecognition or that a decision for derecognition would be taken by the said officer. Therefore, at this juncture, it cannot be concluded that the notice is *ex facie* without jurisdiction.

3. It is submitted on behalf of the petitioner that the documents called for are already available with the authorities and that an inspection could be conducted if the authorities intend to examine the said documents. Even if that were true, it does not make out a case to interfere at this stage. The petitioner is in a position to provide copies of such documents and tender an explanation. It is also brought to the notice of the Court that the notice has been triggered by complaints received by the District Educational Officer. It is made clear that the petitioner should be provided copies of any documents that are proposed to be relied upon in course of an inquiry against the petitioner so as to enable the petitioner to respond appropriately to such materials.

4. With the above observations, W.P.(MD).No.15138 of 2021 is disposed of without any order as to costs. Consequently, W.M.P.(MD).No.12066 of 2021 is closed.

Sd/-

Assistant Registrar (CS I)

// 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 Educational Officer,
Kovilpatti, Thoothukudi District.

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



2.The Block Educational Officer,
Kovilpatti, Thoothukudi District.

+1 CC to M/s.V.PANNEERSELVAM, Advocate (SR-27442[F] dated
26/08/2021)

+1 CC to M/s.V.PANNEERSELVAM, Advocate (SR-27683[F] dated
31/08/2021)

+1 CC to M/s.SPL GP (SR-27533[F] dated 27/08/2021)

W.P (MD) No.15138 of 2021
26.08.2021

DJ(CO)
SB(03.09.2021) 3P 6C