



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.15235 of 2021

and

W.M.P.(MD).No.12158 of 2021

Sri Manthiramoorthy High School Committee,
Tirunelveli,
Rep by its Life Member/President,
L.Arvind, (35/2021)
S/o.Late.K.Loganathan,
No.25/11, Thiruvalluvar Street,
Chitharanjan Colony, Chennai-600 082.

... Petitioner

Vs.

1.The District Educational Officer,
Tirunelveli District.

2.S.Manthira Subramanian,
11, Railway Feeder Road,
Tirunelveli Town, Tirunelveli.

3.Elangovan

... 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 of the proceedings in Na.Ka.No.2791/ஆ1/2021 dated 09.08.2021 on the file of the first respondent and quash the same.

For Petitioner : Mr.G.Prabhu Rajadurai
For Respondents : Mr.P.Subbaraj
Counsel for State for R1

ORDER

The petitioner challenges an inquiry notice dated 09.08.2021 from the first respondent herein. By such inquiry notice, the petitioner was called upon to appear at the inquiry and produce the



documents or information specified in such notice.

2.The petitioner states that the Sri Manthiramoorthy Higher Secondary School has been in existence for a number of years. The said school has a School Committee. The members of the School Committee are elected by the Educational Agency. One Manthiraganesan was included as a life member of the Educational Agency. The present Writ Petition is filed in view of the endeavour by the second respondent to be appointed as a life member in place of the late Manthiraganesan. The petitioner states that the second respondent is not entitled to be appointed as a life member. In fact, it is contended that the second respondent has acted in a manner detrimental to the trust. It is even alleged that he has encroached upon the property of the trust. In addition, the petitioner relies upon a counter affidavit filed by the District Educational Officer in W.P(MD)No.15517 of 2020. The petitioner places reliance upon paragraph 8 of such counter affidavit, which, in relevant part, reads as under:

"If anybody wants to claim the life membership of M.Manthira Ganesan he has to make a claim before the Educational Agency Committee by establishing that he is the legal heir of Manthira Ganesan with the support of legal heir certificate and also he has to obtained "No Objection Certificate"from all the family members in support of his claim. Hence, the aspirant has to claim life membership to the Educational Agency Committee."

3.On the above basis, the petitioner challenges the notice. Mr.P.Subbaraj, learned Counsel for the State, accepts notice on behalf of the first respondent.

4.Ordinarily, in judicial review, the Court does not interfere with an inquiry notice. The reason for such non-interference is that the petitioner's interest is not affected and the petitioner is in a position to appear at such inquiry and provide an explanation. In the case at hand, the petitioner has been called upon to produce certain documents and provide information. It is open to the petitioner to raise all objections as regards the candidature of the second respondent for life membership. If objections are raised, it would be obligatory on the part of the first respondent to deal with each objection and take a reasoned decision after providing a reasonable opportunity to the contesting parties. As such, no case is made out for interference at this juncture. It is another matter that if the petitioner's rights are affected in any manner by the eventual decision, it is always open to the petitioner to assail such decision.

5.With the aforesaid observations, W.P.(MD)No.15235 of 2021 is
<https://hcservices.ecourts.gov.in/hcservices/>



dismissed without any order as to costs. Consequently, connected
W.M.P. (MD)No.12158 of 2021 is closed.

Sd/-

Assistant Registrar (CS II)

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/ /2021

Sub Assistant Registrar (CS)

sm/pnm

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

The District Educational Officer,
Tirunelveli District.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-27562[F] dated
27/08/2021)

+1 CC to M/s.GP (SR-27517[F] dated 27/08/2021)

W.P (MD) No.15235 of 2021
26.08.2021

MGJ(03.09.2021) 3P 4C