



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2022

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

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W.P.Nos.28624 & 34756 of 2019 and
W.M.P.No.35502 of 2019

WP.No.28264 of 2019

Islamic Welfare Association (Trust),
(Registration No.130/BK4/1999),
Rep. by its Secretary M.Gyasuddin,
10th Street, Jalal Road,
Moulana Azad Nagar,
Ambur, Vellore District - 635 802.

... Petitioner

Vs

1.The Chief Educational Officer,
Collectorate Office,
Vellore, Vellore District.

2.The District Educational Officer,
Vaniyambadi, Vellore District.

3.The Assistant Elementary Educational Officer/
The Block Educational Officer-1,
Madhanur, Vaniyambadi,
Vellore District.

4.V.Parvez Ahmed

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents 1 to 3 to forthwith grant necessary permission to the Trustee of the Petitioner- Trust, namely, Islamic Welfare Association (Trust), V.Mohamed Samiulla, to function as the Correspondent of the 'Quaid-e-Millath Nursery and Primary School' at 10th Street, Jalal Road, Moulana Azad Nagar, Ambur, Vellore District-635 802 by considering and passing orders on the Representation of the Petitioner dated 22.7.2019.

WP.No.34756 of 2019

Quaide Millath Nursery & Primary School,
Rep. By its Correspondent,
V.Parvez Ahmed, Jalal Road, 10th Street,
Moulana Azad Nagar,
Ambur, Vellore District - 635 802.

... Petitioner



Vs

1.The District Educational Officer,
Vaniyambadi, Vellore District.

2.The Block Educational Officer,
Assistant Elementary Educational Officer,
Madhanur, Vaniyambadi, Vellore District.

3.The Inspector of Police,
Ambur Town Police Station,
Vellore.

4.Islamic Welfare Association Trust,
Rep. By its Chairman,
S.A.Imthiyaz Basha,
No.4, Jalal Road, 11 street,
Ambur, Vellore.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1-3 from interfering in the functioning of petitioner's school situated at Jalal Road, 10th Street, Moulana Azad Nagar, Ambur, Vellore - 635 802.

For Petitioner : Mr.K.Selvaraj in WP.No.28624/2019
Mr.M.Balaji in WP.No.34756/2019

For Respondents: Mr.C.Jayaprakash (for R1 to R3)
Government Advocate in both WPs

R4 : No Appearance in WP.28624 of 2019
Mr.K.Selvaraj in WP.No.34756/2019

COMMON ORDER

The petitioner is the Islamic Welfare Association Trust which runs a school in the name and style of Quaid-e-Millath Nursery and Primary School in Vaniyambadi.

2.The trust has sought a mandamus directing respondents 1 to 3, being various officials of the Education Department of the State of Tamil Nadu, to forthwith grant necessary permission to the trustee of the petitioner Trust to function as the Correspondent of the school.

3.A representation has been filed by the petitioner on 22.07.2019 which is stated to be pending. The representation of



the petitioner is placed at page No.53 of the typed set and admitted by Mr.C.Jayaprakash, learned Government Advocate for the respondents, to have been received by the respondents.

4.He draws attention to paragraph 8 of the counter filed on behalf of the official respondents, wherein they state that the representation of the petitioner has been considered by the respondents, bearing in mind the inspection report and recommendations of the 3rd respondent, and the renewal of recognition of the school for the period 01.04.2020 to 31.05.2022 has been granted. With the renewal of recognition, they would submit that nothing survives in these matters and these writ petitions are liable to be closed.

5.Learned counsel for the petitioner would however submit that the prayer in this writ petition and the representation are entirely different insofar as a specific plea was advanced seeking recognition of the petitioner as the Secretary/Correspondent of the School. This aspect of the matter remains pending till date.

6.There are disputes between the Trust and the 4th respondent i.e. the petitioner in WP.No.34756 of 2019, which is the school. The prayer of the School in that writ petition is for a mandamus forbearing the official respondents from interfering in the functioning of the School.

7.It is thus very clear that there is no meeting of minds as between the persons who constitute the Trust and the school. Civil Suits have also been filed and various orders are stated to have been obtained by the parties, details of which are not required for the purposes of this writ petition. Suffice it to say that these are matters that cannot be looked into by this Court in exercise of jurisdiction under Article 226 of the Constitution of India.

8.On the question of recognition, I would advert to the provisions of Section 16 of the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973 (in short 'Act') which provides for every school committee to have a Secretary. Rule 13 of the Tamil Nadu Recognised Private Schools (Regulation) Rules, 1974 (in short 'Rules') deals with the Secretary of the School committee and reads as follows:-

' 13. Secretary of the School Committee. - (1) The educational agency shall nominate one of its representatives as Secretary of the School Committee:

Provided that, it shall be open to the educational agency, to nominate the Headmaster as Secretary.



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(2) The term of office of the Secretary shall, ordinarily, be three years. However, he shall be eligible for renomination as Secretary for subsequent terms. If the educational agency intends to change the Secretary within the period of three years, it shall do so only with the prior permission of the District Educational Officer.

(3) The Secretary of the School Committee shall function for and on behalf of the School Committee and the educational agency.

(4) The Secretary shall act on the basis of the resolution passed at the meetings of the School Committee.

(5) The Secretary shall not interfere in the internal administration of the school like admissions, examinations, promotions of pupils and other academic matters which shall be the exclusive responsibility of the Headmaster.

(6) The Secretary shall be responsible for the correct maintenance of accounts and proper administration of school accounts relating to special fees for which the Headmaster shall be responsible.'

9.A perusal of Rule 13 as aforesaid reveals that the Educational Agency i.e., in this case the Trust, is required to nominate one of its representatives as Secretary of the School committee. The proviso to Section 13(1) states that it shall be open to the educational agency to nominate the Headmaster as Secretary.

10.The effort of the learned counsel for the petitioner in W.P.No.28624 of 2019 is to obtain a seal of approval of the official respondents upon the selection of the candidate that it espouses to the post of Secretary, Mr.V.Mohamed Samiulla. However, this is an internal matter for the educational agency to decide.

11. Nowhere does Rule 13 contain a requirement for the authority to approve the selection of a candidate as Secretary. In such an instance, I do not see the relevance of the representation stated to be pending before the authority. This would perhaps explain the stand of the respondents to the effect that the representation of the petitioner has been disposed. I thus leave this issue to the parties to avail at a solution internally, as this neither concerns the official respondents nor this Court.



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12. With this, these Writ Petitions are closed. No costs.
Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

vs

To

1. The Chief Educational Officer,
Collectorate Office,
Vellore, Vellore District.
2. The District Educational Officer,
Vaniyambadi,
Vellore District.
3. The Assistant Elementary Educational Officer/
The Block Educational Officer-1,
Madhanur,
Vaniyambadi, Vellore District.
4. The Block Educational Officer,
Assistant Elementary Educational Officer,
Madhanur, Vaniyambadi, Vellore District.
5. The Inspector of Police,
Ambur Town Police Station,
Vellore.

+2cc to Mr.K.Selvaraj, Advocate, S.R.No. 29093
+1cc to Mr.R.Venkatesh, Advocate, S.R.No. 29037
+1cc to the State Government Pleader, S.R.No. 29374 & 29373

W.P.Nos.28624 & 34756 of 2019
and W.M.P.No.35502 of 2019

NMI (CO)

GN (27/05/2022)