



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2022

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD) .No.12803 of 2012

National Workers Union,
represented by its president,
S.Chokkaramalingam,
No.7/5, Vandimalaichi Amman Street,
Eral - 628 801,
Tuticorin District.

... Petitioner

Vs.

1. The Government of Tamil Nadu,
represented by its Principal Secretary,
Department of School Education,
Secretariat, Fort St.George,
Chennai - 600 009.

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

3. The Chief Educational Officer,
Tuticorin District,
Tuticorin.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent's proceedings in O.Mu.No.053658/N.2/E1/2011 dated 22.07.2011 and quash the same as it is not applicable to the claim of the petitioner and direct the respondents to name "Perunthalaivar Kamarajan" to the Government Higher Secondary School, Eral in Tuticorin District within the period stipulated by this Court.

For Petitioner : Mr.Ananth C Rajesh

For Respondents : Mr.V.Nirmal Kumar

Government Advocate

ORDER

The present Writ Petition has been filed challenging an order passed by the second respondent herein under which request of the writ petitioner Union for naming the building in the name of former Chief Minister of Tamil Nadu has been rejected.



2. The learned Counsel for the petitioner submits that the petitioner Union has donated 13.59 Cents under Gift Deed dated 01.04.1997, in favour of the Government for construction of Government Girls High School building. Thereafter, on 09.11.2010, the petitioner Union sent a representation to the second respondent herein requesting them to name the building in the name of the former chief Minister of Tamil Nadu. The said request has been rejected by the second respondent herein under the impugned order dated 22.07.2011 citing G.O.Ms.No.96 and contending that only if a building is constructed after receiving donation, the question of naming a building as requested by the petitioner would arise. The said order is under challenge in the present writ petition.

3. It is true that G.O.Ms.No.96 related to the circumstances in which donation is made in favour of the Government for construction of buildings and the naming of the buildings in the name of the donors. However, the learned Counsel for the petitioner brought to the notice of this Court, G.O.Ms.No.409, dated 09.11.1996. Under the said Government Order if lands are donated to the Government for the construction of Government Schools, the donors would be entitled to name the buildings that are constructed upon the lands donated to the Government. However, the competent authority to accept or reject the naming of the said buildings is the State Government.

4. Per Contra, the learned Counsel for the respondent contended that now the building has been constructed at the cost of the Government and no donation has been received from any one and hence, the G.O.Ms.No.96, dated 22.06.2006 cannot be applied in the present case and he requested the impugned order to be sustained.

5. I have carefully considered the submissions made on either sides.

6. A perusal of the G.O.Ms.No.409, dated 09.11.1996, indicates that it is specifically applicable to the petitioner Union in view of the fact that the petitioner Union has donated land for construction of Government School in favour of the Government. Though the request for naming the building was not made at an earlier point of time, for the first time, a request was made by way of representation dated 09.11.2010. In view of the clauses found in G.O.Ms.No.409, the competent authority to decide whether to name the school building at the request of the donor or differently could be decided only by the Government, namely, the Secretary to Government, School Education Department. However, the present impugned order has been passed by the second respondent who has no jurisdiction whatsoever.

7. In view of the above said discussion, the impugned order passed by the second respondent is set aside. The second respondent is directed to forward the request to the first respondent and the



first respondent can take a decision upon the representation made by the petitioner. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

8. . With the above said observations, the Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar()

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

jbr

To

1. The Principal Secretary,
Government of Tamil Nadu,
Department of School Education,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Director of School Education,
College Road, Chennai - 600 006.
3. The Chief Educational Officer,
Tuticorin District,
Tuticorin.

+1 CC to M/s.ANANTH C. RAJESH, Advocate (SR-27807[F] dated 23/06/2022)

+1 CC to M/s.SPL.GP (SR-27960[F] dated 24/06/2022)

W.P. (MD) .No.12803 of 2012
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KB(05.07.2022) 3P 6C