



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.03.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.6013 of 2011 and
MP(MD) Nos.2 & 3 of 2011

Aandiyappan

...Petitioner

Vs.

- 1.The Secretary to Government,
School Education Department,
Chennai.
- 2.The Director of School Education,
Chennai.
- 3.The District Education Officer,
District Primary Education Office,
Pudukkottai.
- 4.ASSEFA,
279, Avvai Shanmugam Road,
Royapettai,
Chennai.

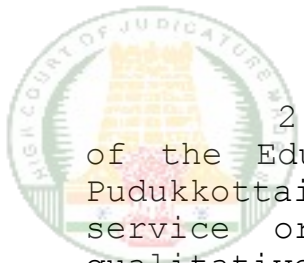
...Respondents

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 order of second respondent in his proceedings in Na.Ka.No.017411/K4/2009, dated 22.03.2011 and quash the same as arbitrary, illegal and consequently direct the first respondent to take over the management of petitioner's school within stipulated time.

For Petitioner	:Mr.K.Baalasundharam
For R1 to R3	:Mr.G.A.Natraj
For R4	:Mr.K.Pandy

O R D E R

This writ petition is filed as against the order passed by the second respondent in his proceedings in Na.Ka.No.017411/K4/2009, dated 22.03.2011, declining to take over the management of the fourth respondent Schools.



2. The case of the petitioner is that he is the President of the Education Committee, Mallampatti Village, Kulathur Taluk, Pudukkottai District. The fourth respondent Association is a social service organization established for the purpose of providing qualitative free education to the children upto fifth standard. Certain lands had also been gifted in favour of the fourth respondent, by way of gift deed, dated 10.11.1987 for the charitable purpose. The fourth respondent started a primary Schools in the name of Sarva Seva Primary and Nursery School, for which, a building with all amenities had also been constructed by them. The Government also appointed separate noon meal employees exclusively for the Schools. Totally, there are 17 Sarva Seva Schools were run by the fourth respondent. While so, during 2008, the fourth respondent sent a communication to the Government authorities to take over the management of the Schools with all properties as they are not in a position to administer the Schools. The third respondent sent a proposal to the second respondent in a letter 1835/A4/2009, dated 16.06.2009, with a recommendation for taking over the School by the Government. Pursuant to the said recommendation, the first respondent also agreed for taking over of the fourth respondent's Schools with certain conditions, vide letter No.4552/Q/2009-1, dated 03.08.2009. As required by the second respondent, the third respondent has sent a stability certificate, blue print and other documents, vide letter No.Na.Ka.1835/A4/2009, dated 19.04.2009. When the District Educational Officer, Pudukkottai has got the documents registered as required by the proceedings of the second respondent. In pursuance of the conditions imposed by the second respondent, the fourth respondent also executed a gift deed, gifting the entire lands, buildings with accessories. The fourth respondent also executed an undertaking that they will not claim any right over the Sarva Seva Nursery and Primary School in future. In the circumstances, the second respondent declined to take over the management of the Sarva Seva Nursery and Primary School in his proceedings in Na.Ka.No.017411/K4/2009, dated 22.03.2011, stating that as per Section 26 of the Tamil Nadu Recognized Private Schools (Regulation) Act 1973 and also as per the rules, Sarva Seva Nursery and Primary Schools cannot be taken over by the Government, since the Schools are self financing Schools. However, they suggested for transferring of the students studying in Sarva Seva Nursery and Primary School to the nearby Government Elementary Schools. The grievance of the petitioner is that the School buildings have been constructed by the fourth respondent for the sole purpose of running Schools in the Village with all facilities like Children's park, library, furniture etc., But the Government have refused to take over the management of the Schools. Hence, the petitioner has filed this writ petition.

3. When this matter is taken up for hearing, the learned Government Advocate on instructions submits that all 17 Sarva Seva Schools of the fourth respondent Association have been taken over by the Government and now it is administered by the Government. The



respondents have also filed their counter affidavit stating that the Director of Elementary Education, vide proceedings in Na.Ka.No.01074411/K4/2009, dated 22.03.2011, directed the third respondent to take over 551 students of the fourth respondent Association School and accordingly, they have been admitted in Panchayat Union Government School, in and around Viralimalai. It is further stated that based on G.O.Ms.No.188, dated 13.06.2011, G.O.Ms.No.200, dated 20.09.2013 and G.O.Ms.No.16, dated 02.12.2014, new Panchayat Union Schools have been established for the welfare of the students and they are functioning properly. The lands, buildings and other properties of the respondent's Association Schools have also been taken over by the Government and it is now in possession of the Government. Thus the intention of the writ petition has been fulfilled.

4. In view of the subsequent developments and also the intention of the petitioner has already been concluded by the subsequent developments, nothing survives in this writ petition for further adjudication. Accordingly, this writ petition is closed as no further order is required. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vrn

To

- 1.The Secretary to Government,
School Education Department,
Chennai.
- 2.The Director of School Education,
Chennai.
- 3.The District Education Officer,
District Primary Education Office,
Pudukkottai.

+1 CC to M/s.SPL GP (SR-16091[F] dated 01/04/2022)

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MP(MD) Nos.2 & 3 of 2011
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RD(20.06.2022) 3P 5C