



W.P.(MD)No.15828 of 2012

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.15828 of 2012

and

W.M.P.(MD)Nos.1 of 2012 & 1 of 2013

St.John's Higher Secondary School,
represented by its Correspondent/Secretary,
Veeravanallur,
Tirunelveli District.

... Petitioner

Vs.

1.The State of Tamil Nadu
represented by its Secretary,
School Education Department,
Secretariat, Chennai – 9.

2.The Chief Educational Officer,
Office of the Chief Educational Office,
Kokkirakulam,
Grace Sulachana Ratnavathy,
Tirunelveli District.

3.The District Educational Officer,
O/o. The District Educational Office,
Cheranmahadevi,
Tirunelveli District.

... Respondents



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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 relating to the order passed by the third respondent in his proceedings in Na.Ka.No.3788/அ3/2012, dated 26.11.2012 and quash the same as illegal.

For Petitioner : Mr.H.Mohammed Imran
for M/s.Ajmal Associates

For Respondents : Mr.V.Nirmal Kumar,
Government Advocate.

ORDER

The present writ petition has been filed by the School Management challenging the order passed by the third respondent herein imposing direct payment on the school.

2. As per the impugned order, one of the students in the said school has committed suicide and an FIR was registered in Crime No.278 of 2010 on 27.08.2010, as against the Correspondent and some of the Teachers. Since the said Correspondent and other teachers were on conditional bail, considering the special circumstances existing at that



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point of time, the impugned order of direct payment was passed by the third respondent herein. The said order is under challenge in the present writ petition.

3. According to the learned Counsel for the petitioner, the Correspondent and other Teachers faced a trial in Sessions Case No.52 of 2015 and all of them were acquitted on 07.09.2020, by II Additional District and Sessions Court, Tirunelveli. Hence, according to the petitioner, the special circumstances that existed in November 2012 is not at present available. Hence, the order impugned in the writ petition may be set aside.

4. Per contra, the learned Government Advocate appearing for the respondents has contended that the Government has got powers to impose direct payment due the special circumstances. In the present case, the acquittal order has been passed in September 2020 and there is every likelihood of appeal being filed by the State.



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Office of the Chief Educational Office,
Kokkirakulam,
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Tirunelveli District.
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R.VIJAYAKUMAR ,J.

jbr

Order made in
W.P.(MD)No.15828 of 2012

21.07.2022