



W.P.(MD).No.5907 of 2012

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.07.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

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and

M.P.(MD)Nos.1 & 2 of 2012

Palani Andavar Middle School,
No.19, Pappakudi, Enathi Post,
Thirubhuvanam Union,
Sivagangai District – 630 561,
represented by its Secretary
N.P.Subramaniam.

... Petitioner

Vs.

1. The District Elementary Educational Officer,
Sivagangai District,
Sivagangai.

2. The Additional Assistant Elementary
Educational Officer,
Thirubuvanam,
Sivangangai.

... 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 relating to the proceedings of the first respondent in



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O.Mu.No.630/Aa4/2012 dated 05.03.2012 and subsequent proceedings in O.Mu.No.962/Aa4/2012 dated 15.03.2012 and to quash the same and consequently, direct the respondents to approve the appointment of Secretary of the petitioner School based on the proposal forwarded by the petitioner school dated .02.2012 within the time stipulated by this Court as this Honourable Court may deem fit and proper in the facts and circumstances of the case.

For Petitioner : Mr.F.Deepak
for Mr.G.Sankaran

For Respondents : Mr.V.Nirmal Kumar
Government Pleader

ORDER

The present writ petition has been filed challenging an order passed by the first respondent herein under which the request of the petitioner to be appointed as Secretary of the School Committee was rejected on the ground that he is already the Head Master of the School and also acting as an Educational Agency.

2. The learned counsel for the petitioner submits that no doubt, the petitioner is an individual Educational Agency, but he is not the



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Headmaster of the School. The impugned order is factually incorrect with regard to the said aspect. The learned counsel for the petitioner further contended that there is no prohibition whatsoever under Tamil Nadu Private Schools Regulation Act for the Educational Agency for functioning as the Secretary of the School Committee also. The learned counsel for the petitioner pointed out that Rule 13(1) proviso to the effect that even the Headmaster could be nominated as Secretary of the School Committee. But, in the present case, the petitioner is not the Headmaster. The learned counsel for the petitioner has further pointed out Rule 13(3) to the effect that the Secretary of the School Committee shall function on behalf of the School Committee and the Educational Agency.

3. A perusal of the provisions of the Act and the Rules framed will clearly indicate that there is no prohibition whatsoever for an individual, who is functioning as an Educational Agency to act as a Secretary of the School Committee also. On the other hand, the Sub Rule 3 of Rule 13 will clearly disclose that the Secretary of the School Committee has to function not only on behalf of the School Committee



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but also on behalf of the Educational Agency.

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4. Per contra, the learned counsel for the respondent had contended that the individual who is acting as an Educational Agency, if appointed as Secretary of the School Committee, he will be acting in dual capacity and that will harm the functioning of the School. Hence, he has prayed for sustaining the impugned order.

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

6. As rightly pointed out by the learned counsel for the petitioner that there is no prohibition whatsoever in the Tamil Nadu Private Schools Regulation Act, 1973 and the rules made thereunder in 1974, no way prohibits the individual Educational Agency from functioning as the Secretary of the School Committee. Even the Headmaster could be appointed as Secretary of the School Committee as per Rule 13. In view of the statutory provisions, the impugned order



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passed by the first respondent herein is not sustainable in law and the same is set aside. The petitioner has sent a proposal for approving him as Secretary of the School Committee in March 2012. The said proposal is for the period covering between 01.01.2012 to 31.12.2014. The said period has expired, hence the petitioner is at liberty to send a fresh proposal for approving his Secretaryship of the School Committee. As and when such a proposal is received, the same shall be considered in the light of the above said observations.

7. With the above said observations, the Writ Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

06.07.2022

Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR ,J.

jbr

To

1. The District Elementary Educational Officer,
Sivagangai District,
Sivagangai.
2. The Additional Assistant Elementary
Educational Officer,
Thirubuvanam,
Sivangangai.

Order made in
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