



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.08.2022
CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

WEB COPY

W.P. (MD) .No.19692 of 2013

and

M.P (MD) No.1 of 2013

and

W.M.P (MD) No.12638 of 2022

1.M.Jeevamani (Died) ... Petitioner
2.J.Chandrakanth ... Proposed Petitioner

*(P2 is substituted vide Court order, dated 29.07.2022 in
W.M.P(MD)No.11835 of 2022 in W.P(MD)No.19692 of 2013)*
Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Educational Department,
Fort St.George, Chennai-600 009.
- 2.The Joint Director of School Education,
Higher Secondary,
Nungambakkam High Road,
Nungambakkam, Chennai.
- 3.The Chief Educational Officer,
Trichirappalli.
- 4.The District Educational Officer,
Musiri,
Trichy District.
- 5.The District Registrar,
Ariyalur,
Ariyalur District.
- 6.The Headmaster (Incharge),
Nehru Higher Secondary School,
Puthanampatti,
Trichy District.

(*) 7. M.Ponnambalam
(R7 Impleaded vide court order
dated 12.08.2022 in WMP (MD)
No.12638/2022)



PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 4 & 6 to forbear from interfering with the right of the petitioner to run the affairs of the society and also its functioning as that of the educational agency related to the Nehru Higher Secondary School, Puthanampatti, Musiri Taluk, Trichy District.

For Petitioner : M/s.C.Vakeeswaran

For R-1 to R-5 : Mr.V.Nirmal Kumar
Government Advocate

For R-6 : Mr.D.Gnanasekaran

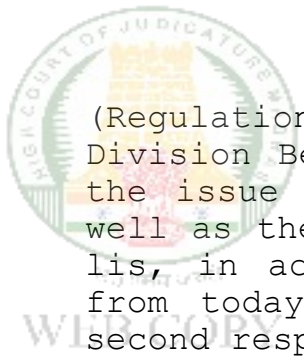
For Proposed party : Mr.R.Vigneswaran
for M/s.U.Nirmalarani

ORDER

The present Writ Petition has been filed seeking a Writ of Mandamus, directing the respondents 1 to 4 and 6, forbearing them from interfering the right of the writ petitioner to run the affairs of the Society and also its functioning as that of the Educational Agency related to the Nehru Higher Secondary School, Puthanampatti, Musiri Taluk, Trichy District.

2. According to the petitioner, originally the Educational Agency was Nehru School Committee, in which, the seventh respondent was also one of the member. After some time, the Society got defunct and the petitioner had started a new Society under the name and style of Nehru Educational Society, in which, the seventh respondent was not re-inducted as a member. In view of the dispute between the petitioner and the seventh respondent herein, the educational authorities interfered in the administration of the School and effected direct payment. The said order was challenged by the writ petitioner in W.P(MD)No.10736 of 2009 and W.P(MD)No.4447 of 2010. The learned Single Judge of this Court had dismissed both the writ petitions, confirming the order of direct payment issued by the authorities.

3. The writ petitioner had filed W.A.(MD)Nos.175 and 176 of 2012. The Hon'ble Division Bench by its order, dated 26.07.2019, had passed an order to the effect that the *inter se* dispute between the parties about the management has to be decided by the competent civil Court. The issue raised before the Joint Director of the School Education, Chennai, in response to the show cause notice, dated 27.08.2009, deserves to be decided by the said authority under the provisions of the Tamil Nadu Recognised Private Schools



(Regulation) Act, 1973. After making these observations, the Division Bench had directed the second respondent herein to decide the issue raised before him, after hearing the writ petitioner as well as the other parties, whoever may be interested in the present lis, in accordance with law, within a period of three (3) months from today. The parties were also directed to appear before the second respondent on 19.08.2019.

4. Though the Hon'ble Division Bench has passed an order on 26.07.2019, thereafter, the second respondent has issued notice, calling the parties to appear before him. The second respondent herein had heard the parties, but not passed any orders.

5. The prayer sought for in the writ petition is for a Mandamus, forbearing the parties from interfering in the administration of the School. In the instant case, authorities have already interfered and they have effected direct payment, which has been confirmed by the learned Single Judge of this Court. A show cause notice has been issued to the writ petitioner on 27.08.2009 and the matter is pending before the second respondent herein for his consideration as directed by the Hon'ble Division Bench.

6. In view of the above said facts, this Court is inclined to pass the following order:

"(i) Since the authorities have already interfered in the administration of the School, the question of issuing Mandamus, forbearing them does not arise at this point of time.

(ii) As directed by the Hon'ble Division Bench, in its order, dated 26.07.2019, the second respondent herein is directed to dispose of the application relating to transfer of educational agency pending before him, after giving due opportunity to the second petitioner and the seventh respondent herein.

(iii) Till orders are passed by the second respondent herein, the present position relating to the administration and management of the School shall continue.

(iv) The above said exercise shall be completed within a period of three (3) months from the date of receipt of a copy of this order. The second respondent is directed to strictly comply with the time limit fixed by this Court, in view of the previous orders passed by this Court in W.A(MD)Nos.175 and 176 of 2012. "



7. With the above said observations, the writ petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

(*)Corrected as per the Order of this Court dated 07.11.2022 made in WP(MD)No.19692 of 2013.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/12/2022

Sub Assistant Registrar(CS)

btr

gbg

To

(*)To be substituted to the order already despatched on 06.09.2022.

- 1.The Secretary,
The State of Tamil Nadu,
Educational Department,
Fort St.George,
Chennai-600 009.
- 2.The Joint Director of School Education,
Higher Secondary,
Nungambakkam High Road,
Nungambakkam,
Chennai.
- 3.The Chief Educational Officer,
Trichirappalli.
- 4.The District Educational Officer,
Musiri,
Trichy District.
- 5.The District Registrar,
Ariyalur,
Ariyalur District.
- 6.The Headmaster (Incharge),
Nehru Higher Secondary School,
Puthanampatti, Trichy District.



W.P.(MD).N



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+1 CC to M/s.C.VAKEESWARAN, Advocate (SR-37898[F] dated 12/08/2022)

+1 CC to M/s.M.P.SENTHIL, Advocate (**SR-53358[F] dated 08/11/2022**)

+1 CC to M/s.SPL.GP (SR-38029[F] dated 16/08/2022)

W.P. (MD) .No.19692 of 2013
12.08.2022

_RD(25/08/2022) 4P 10C
AMS(01.12.2022) 5P 10C