



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13562 of 2019 and
W.M.P.(MD)Nos.10105 & 10106 of 2019

Jamindhar Street High School,
Rep. by its Secretary,
Thiru.T.Venkatesan,
Devakottai – 630 302,
Sivagangai District.

... Petitioner

Vs.

1. The Joint Director of School Education (Secondary),
O/o.The Joint Director of School Education,
Chennai – 6.

2. The District Educational Officer,
O.o.The District Educational Office,
Meenakshi Complex, Devakottai,
Sivagangai District.

3. Thiru.Sami Sathiya Moorthy,
District Educational Officer,
O/o.The District Educational Office,
Meenakshi Complex, Devakottai,
Sivagangai District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the first respondent in his proceedings in Na.Ka. No.49500/[P2,1/2018 dated 21.05.2019 and the consequential impugned order passed by the second respondent in his



proceedings in Na.Ka.No.9996/2016/M4/2019 dated 27.05.2019 and quash the same as illegal.

For Petitioner : Ms.Irfana Fathima,
for M/s.Ajmal Associates.

For R-1 & R-2 : Mr.T.Amjad Khan,
Government Advocate.

* * *

ORDER

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for respondents 1 and 2.

2. The petitioner is an aided private high school. It appears that there is some dispute between the school headmaster on the one hand and the teachers on the other. The teachers have given a complaint that their monthly salaries are not being properly paid. Of course it is the duty of the department to take action when such a complaint is received. However, the first respondent had gone to the extent of calling for proposals from the competent authority for closure of the school itself. This is put to challenge in this writ petition.



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3. While the writ petitioner is directed to comply with the direction of the department for prompt and regular payment of monthly salaries and incentives, the question of even contemplating closure of the school on this ground is impermissible.

4. In this view of the matter, the proceedings issued by the first respondent dated 21.05.2019 are set aside on the ground of want of jurisdiction. While the primary order passed by the first respondent is set aside in *toto*, the advice set out in the consequential proceedings is sustained.

5. This writ petition stands partly allowed. No costs. Consequently, connected miscellaneous petitions are closed.

08.12.2022

Index : Yes / No
Internet : Yes/ No

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5

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G.R.SWAMINATHAN,J.

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