



W.P.(MD).No.15957 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 22.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.15957 of 2014

Gandhiji Memorial Middle School
Represented by its Secretary
S.Padmanabhan

....Petitioner

Vs

1.The Secretary to Government
School Education Department
Government of Tamil Nadu
Fort St.George
Chennai – 09

2.The Director
Elementary Education
College Road
Chennai

3.The District Elementary Educational Officer
Dindigul District
Dindigul

...Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order bearing Oo.Mu.No.2437/Aa3/2014 dated 11.08.2014 passed by the third respondent and quash the same and consequently direct the respondents to pay maintenance grant to the petitioner school 2% with arrears.



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For Petitioner : Mr.S.Anwar Sameem

For Respondents : Mr.S.Kameswaran
Government Advocate

ORDER

The present writ petition has been filed challenging an order passed by the third respondent herein under which he has informed the petitioner that as soon as Government aid is received, he would disburse the maintenance grant to the petitioner School.

2.According to the learned counsel for the petitioner, as per Tamil Nadu Private Schools (Regulation) Act and Rules, they are entitled to receive 2% of the grant towards maintenance from the Government. However, continuously for the past so many years, the third respondent has not released the entire full percentage in favour of the petitioner School. In the impugned order, the third respondent had informed the petitioner that the Government has not released the fund so as to disburse the said 2% to all the Schools in the said District. This order is under challenge in the present writ petition.

3.The learned Government Advocate appearing for the official respondents brought to the notice of the Court that he has received instruction to the effect that the maintenance grant has been released to the writ petitioner School right from 2012 to 2021, totalling a sum of Rs.7,87,189/-.



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4.Per contra, the learned counsel for the petitioner submitted that only a portion of the amount is been paid every year. According to the learned counsel for the petitioner, the prayer sought for in the writ petition has not been complied with. The learned counsel had further contended that the first respondent is duty bound to release the statutory maintenance grant to each District so that it could be disbursed to all the aided Schools in the said District.

5.The State is under a statutory obligation to disburse the maintenance grant as per statutory provisions. However, considering the financial constrain, the State is releasing the said fund in instalment and the amounts are being paid at regular intervals to the petitioner School.

6.Considering the above said facts, the writ petition is disposed of with liberty to the petitioner to approach the first respondent herein with a representation for releasing the balance amount to the petitioner School. No costs.

22.11.2022

Internet : Yes/No
Index : Yes/No
msa



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R.VIJAYAKUMAR, J.

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