



W.P.(MD)No.5436 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.5436 of 2017

and

W.M.P.(MD)No.4362 of 2017

Mohideeniya High School,
Rep. by its Manager Mr.M.Asan Mohamed
Vasudevanallur,
Tirunelveli District.

... Petitioner

Vs.

- 1.The State of Tamil Nadu
rep. by its Secretary,
Department of School Education,
Fort St.George,
Chennai-600 009.
- 2.The Director of School Education,
College Road,
Chennai-600 006.
- 3.The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.
- 4.The District Educational Officer,
Tenkasi,
Tirunelveli District.



W.P.(MD)No.5436 of 2017

5.S.Balasingh Ponraj
The District Educational Officer,
Thenkasi,
Tirunelveli District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the fourth respondent in his proceedings Na.Ka.No.321/A4/2016, dated 22.06.2016 (served to the petitioner only on 08.03.2017) and quash the same as illegal.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates
For Respondent : Mr.V.OM.Prakash
Government Advocate

ORDER

Heard the learned counsel on either side.

2. The petitioner is an aided minority institution. The petitioner High School was brought under direct payment system by the impugned order dated 22.06.2016.

3.The fourth respondent has filed a detailed counter affidavit and the learned Government Advocate appearing for the respondents took me through its contents.



W.P.(MD)No.5436 of 2017

WEB COPY

4. The learned counsel appearing for the petitioner draws my attention to the decision reported in *(2011) 2 MLJ 100* (Jayalakshmi Vilas Middle School rep. by its Correspondent Mannargudi, Tiruvarur District Vs. Director of Elementary Education, College Road, Chennai).

5. In the said decision, it has been held that when the educational authorities resort to direct payment, it should be done only after complying with the principles of natural justice as it has certain civil consequences.

6. In this case, before passing the impugned order for direct payment, the petitioner was not put on notice. Hence, the impugned order is quashed. The Writ Petition is allowed. The matter is remitted to the file of the fourth respondent to pass orders on merits and in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

29.06.2022

Index : Yes / No
Internet : Yes/ No
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W.P.(MD)No.5436 of 2017

G.R.SWAMINATHAN,J.

rmi

To

- 1.The Secretary,
Department of School Education,
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- 3.The Chief Educational Officer,
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