



W.P(MD).No.1283 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.1283 of 2016

and

W.M.P(MD) Nos.1061, 1062 and 2634 of 2016

The Secretary,
OVC Higher Secondary School,
Manamadurai,
Sivagangai District.

... Petitioner

-VS-

1. The Director of School Education,
Chennai – 06.

2. The District Educational Officer,
Sivagangai Educational District,
Sivagangai,
Sivagangai District.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records from the second respondent in his proceedings in Na.Ka.No.2814/ அ1/15, dated 01.12.2015 and 11.01.2016 and quash the same and further direct the second respondent herein to disburse forthwith the staff grant towards the salary for the teachers and other staffs of the petitioner's school



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through the petitioner herein.

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For Petitioner : Mr.N.Sathishbabu

For R-1 & R-2 : Mr.S.Kameswaran
Government Advocate

For proposed party: Mr. C.Sundaravadivel

ORDER

The present Writ Petition has been filed challenging the order passed by the second respondent herein, under which, he has rejected the proposal sent by the writ petitioner for approving the School Committee for the period between 01.09.2015 to 31.08.2018. The said request has been rejected raising various queries. In the same order, in view of rejection of approval of School Committee, the second respondent has imposed direct payment on the petitioner School. This order is under challenge in the present Writ Petition.

2. According to the learned counsel for the petitioner, on 25.09.2015, five queries were raised by the second respondent herein for approving the School Committee. The said queries were replied by the writ petitioner



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School on 15.10.2015 and they have also issued an additional reply on 13.11.2015. They have sent a reply on 15.10.2015. Without considering the said reply, the order impugned in the Writ Petition has been passed on 01.12.2015 raising the same queries. Hence, the present Writ Petition is filed.

3. A perusal of the impugned order indicates that the reply given by the Writ Petitioner on 15.10.2015 has not been considered and mechanically, the same queries have been raised and the impugned order has been passed.

4. One of the members of the School Committee had already filed W.P.(MD) No.3204 of 2016, forbearing the Education Authorities from granting any approval to the School Committee. The said Writ Petition has been disposed of, by this Court, by an order, dated 15.02.2016, to the effect that the second respondent shall not pass any orders without giving any opportunity to the said Chinthamani Chettiar. The said Chinthamani Chettiar has filed W.M.P(MD) No.2634 of 2016 to implead himself in the present Writ Petition.



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5. The order impugned in the Writ Petition has been passed without properly appreciating the reply sent by the writ petitioner, dated 15.10.2015. The order impugned in the Writ Petition is set aside and the matter is remitted back to the file of the second respondent herein for fresh consideration and orders to be passed on merits and in accordance with law. The second respondent is directed to give due opportunity to the writ petitioner and the said Chinthamani Chettiar, as per the order of this Court, in W.P(MD) No. 3204 of 2016, dated 15.02.2016. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order. Till such time, direct payment shall continue and no further orders are called for.

6. In view of the above said observations, this Writ Petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

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Index : Yes / No
Internet : Yes / No

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To

1. The Director of School Education,
Chennai – 06.
2. The District Educational Officer,
Sivagangai Educational District,
Sivagangai,
Sivagangai District.



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R.VIJAYAKUMAR,J.

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