



W.P.(MD) No.23125 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.23125 of 2021

and

W.M.P. (MD) Nos.19574 of 2021 & 1404 of 2022

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K.Rajesh Solomon

... Petitioner

vs.

- 1.The Chief Educational Officer
O/o. the Chief Educational Officer
Thoothukudi District
- 2.The District Educational Officer
O/o the District Educational Officer
Tiruchendur, Thoothukudi District
- 3.Church of South India,
Thoothukudi-Nazareth Diocese
Rep by its Bishop
Bishop's Office, 100, Beach Road
Caldwell Higher Secondary School Campus
Thoothukudi 628-001.
- 4.The Manager
High / Higher Secondary Schools /
Special Schools & Teacher Training Institute
CSI Thoothukudi-Nazareth Diocese
Thoothukudi- 628 001
- 5.S.D.K.Rajan
The Manager
High / Higher Secondary Schools /
Special Schools & Teacher Training Institute
Thoothukudi-Nazareth Diocese
100, Beach Road
Caldwell Higher Secondary School Campus
Thoothukudi-628 001
- 6.S.Premkumar Rajasingh
Erstwhile Manager
High / Higher Secondary Schools /
Special Schools & Teacher Training Institute
Thoothukudi-Nazareth Diocese
100, Beach Road
Caldwell Higher Secondary School Campus
Thoothukudi-628 001



7.Margoschis Higher Secondary School,
Rep. by its Correspondent
Nazareth-628 617
Thoothukudi District

8.A.D.H.Chandran
The Correspondent
Margoschis Higher Secondary School
Nazareth-628 617
Thoothukudi District.

9.S.Sudhakar
The Correspondent
Margoschis Higher Secondary School
Nazareth-628 617
Thoothukudi District

10.R.Samuel Swamidoss ... Respondents
[R10 is impleaded vide order of
this Court dated 24.02.2022 in
W.M.P.(MD) No.1402 of 2022]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari to call for the records pertaining to the impugned order dated 17.12.2021, on the file of the respondent No.4 and the consequential impugned order dated 18.12.2021, on the file of the respondent No.7, and quash the same as illegal.

For Petitioner : Mr.Lajapathi Roy.T.

For Respondents : Mr.N.Ga.Nataraj
Government Advocate for R1 & R2
Mr.Venkatachalam
for Mr.Kingsly Solomon, J. for R3
Mr.K.Subbu Ranga Bharathi for R4 & R5
Mr.N.Dilip Kumar for R6
Mr.H.Arumugam for R7 & R8
Mr.G.Prabhu Rajadurai for R9
Ms.W.Pamelin for R10

O R D E R

The order of transfer, dated 17.12.2021, passed by the fourth respondent, transferring the petitioner from Margoschis Higher Secondary School, Nazareth to KGM Higher Secondary School, S.Kailasapuram, functioning under the control of the third respondent and the consequential relieving order dated 18.12.2021, passed by the seventh respondent, are under challenge in this writ petition.



2. There are other disputes regarding management of the School, which all are existing between the parties and admittedly, the Institution is a Minority Educational Institution and therefore, the parties have to adjudicate the disputes in the manner known to law.

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3. The learned counsel for the third respondent made a submission that the sixth respondent was already removed from the post of Manager and the fifth respondent is now functioning as Manager of the School concerned. This exactly is the reason why the learned counsel for the petitioner made an objection regarding the impugned order that it was issued by the incompetent Authority. However, it is for the third respondent to take a decision, who is the Authorized Manager of the School concerned and issue appropriate orders resolving the disputes.

4. As far as the competent Authority of the School is concerned, they need not interfere with the administration of the Minority Institution. However, they are bound to ensure that the School is functioning in accordance with the provisions of the Act and the Rules as the School is receiving grant-in-aid from the Government. In respect of all other internal disputes between the Management and the office bearers of the Minority Institution, it is for them to resolve the issues in the manner known to law and as far as the impugned orders are concerned, it is for the third respondent to initiate all appropriate actions.

5. If the decision taken by the Management of the Minority Institution is disputed by any of the parties, then it is for the aggrieved person to approach the competent Educational Authorities by way of filing appeal for the purpose of adjudication of the issues in the manner contemplated under the Act and Rules.

6. With the above observations / directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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To:

1.The Chief Educational Officer,
O/o. the Chief Educational Officer,
Thoothukudi District.

2.The District Educational Officer,
O/o the District Educational Officer,
Tiruchendur, Thoothukudi District.

+1CC to M/s.T.LAJAPATHI ROY,Advocate (SR-8573[F] dated 25/02/2022)

+1CC to M/s.G.PRABHU RAJADURAI,Advocate(SR-8644[F]dated
25/02/2022)

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-8906[F] dated 25/02/2022)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-8892[F] dated 25/02/2022)

+1 CC to M/s.SPL GP (SR-8697[F] dated 25/02/2022)

W.P. (MD) No.23125 of 2021

and

W.M.P. (MD) Nos.19574 of 2021 & 1404 of
2022

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MGJ(23.03.2022) 4P 8C