



W.P(MD)Nos.23697 & 18045 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.23697 & 18045 of 2019

and

W.M.P(MD)No.14484 of 2019

W.P(MD)No.23697 of 2019:

R.K.V.Middle School,
Represented by it President &
Agent of Educational Agency,
K.Ramalakshmi Ammal,
Panpozhi Village,
Shenkottai Taluk,
Tirunelveli District.

... Petitioner

Vs

- 1.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.
- 2.The District Educational Officer,
Tenkasi,
Tirunelveli District.
- 3.The Block Educational Officer,
Tenkasi,
Tirunelveli District.



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4.R.Pitchaiya
5.R.Gomathinayagam
6.R.Ganapathy
7.K.Vela Iswarya

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent in O.Mu.No. 2144/A1/2019 dated Nil -09-19 signed on 04.10.2019 and quash the same and consequently directing the first respondent to approve the change of Educational Agency in respect of R.K.V.Middle School, Panpozhi by considering the proposal dated 07.05.2018 and also the representation dated 07.09.2019.

For Petitioner : Mr.C.Masilamani

For Respondents : Mr.T.Amjad Khan
Government Advocate for R.1 to R.3

Mr.A.V.Suresh Kumar for R.4

Mr.S.Xavier Rajini for R.5 & R.6

No Appearance for R.7

W.P(MD)No.18045 of 2019:

R.Gomathinayagam

... Petitioner

Vs



W.P(MD)Nos.23697 & 18045 of 2019

- 1.The Director of Elementary Education,
College Road,
Chennai – 600 006.
- 2.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.
- 3.The District Educational Officer,
Tenkasi,
Tirunelveli District.
- 4.The Block Educational Officer,
Tenkasi,
Tirunelveli District.
- 5.The President,
Panpoli RKV Educational Organisation,
Panpoli,
Senkottai Taluk,
Tirunelveli District – 627 807.
- 6.Shri.Athi Narayanan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent District Educational Officer to approve the appointment of the petitioner, namely, R.Gomathinayagam as the Secretary of R.K.V.Middle School, Panpoli, Senkottai Taluk, Tirunelveli District.

For Petitioner : Mr.S.Xavier Rajini

For Respondents : Mr.T.Amjad Khan
Government Advocate for R.1 to R.4

Mr.G.Kalyanaram for R.5



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No Appearance for R.5

COMMON ORDER

Heard the learned counsel on either side.

2. In these writ petitions, the order passed by the department bringing the School in question under Direct Payment System is under challenge. The department has been constrained to interfere only on account of the internal dispute within the Educational Agency. I am therefore not inclined to interfere at this stage.

3. It is open to the members of the Educational Agency to resolve the issue amicably among themselves. If such a resolution is arrived at, they can submit a joint application or representation before the competent authority and the competent authority would be obliged to act thereon. So long as such resolution does not take place, the impugned orders will hold good.

4. It is true that the parties have been relegated to work out their rights in 53A of the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973. That situation will arise only if the dispute among the members of the Educational Agency is remaining unresolved. If it is resolved, obviously the said situation will not arise not at all.



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5. With these observations, both the writ petitions are disposed of.

Section 53A of the said Act will come into play only in the event of there being a dispute and not otherwise. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

13.12.2022

Index : Yes / No

Internet : Yes/ No

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To

1.The Director of Elementary Education,
College Road,
Chennai – 600 006.

2.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.

3.The District Educational Officer,
Tenkasi,
Tirunelveli District.

4.The Block Educational Officer,
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G.R.SWAMINATHAN, J.

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W.M.P(MD)No.14484 of 2019

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