



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.24963 of 2019

Usilampatty Nattathi Nadargal Uravinmuraikku
Pathiyamana Nadar Saraswathy Higher Secondary
School and Primary School Paribalana Sabai
Usilampatty (Reg.No.35/61)

Represented by its

Secretary B Jeyarajan, Having its Office at
T.B.Road,

Usilampatty 625 532.

... Petitioner

Vs

1.The Principal Secretary - School Education,
Santhome High Road,
Chennai - 600 028.

2.The Director of School Education,
College Road,
Chennai - 600 006.

3.The Joint Director of School Education
(Higher Secondary),
College Road,
Chennai- 600 006.

4.The Chief Educational Officer,
Thallakulam,
Madurai.

5.The District Educational Officer,
Usilampatty - 625 532.

6.G.Subramanian

... Respondents

(R.6 is impleaded vide Court order dated
02.01.2020 made in W.M.P(MD)No.23091 of 2019
in W.P(MD)No.24963 of 2019)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the District Education Officer, Usilampatty, the fifth respondent to hand over



administration and functioning of the schools under direct payment to the petitioner from whom it was taken, by calling direct payment, as continuation of such payment, beyond 3 years period, is illegal.

For Petitioner : Mr.V.Jeyachandran
For Respondents : Mr.V.Om Prakash
Government Advocate for R.1 to R.5
Mr.E.V.N.Siva for R.6

ORDER

Heard the learned counsel on either side.

2. The grievance of the writ petitioner is that the order for making direct payment to the staff of the School run by the writ petitioner Society has been continuing for more than twelve years. According to him, the direct payment system should not continue beyond five years. The learned Government Advocate as well as the learned counsel for the private respondent would contest the said proposition.

3. Be that as it may, the fact remains that the dispute between the rival parties regarding the control and administration of the writ petitioner's society was subject matter of earlier rounds of litigation. The Hon'ble Supreme Court is also presently seized of the matter in S.L.A(Civil)Nos.18097-18099 of 2013. It is not in a dispute that in the earlier round, the parties had been directed to approach the civil Court and get their rights determined therein. This direction has not been stayed by the Hon'ble Supreme Court. Therefore, filing this writ petition is not appropriate. The petitioner has to necessarily work out their rights in the pending civil suit. Leaving open the same, the writ petition is dismissed. I make it clear that I have not gone into the merits of the matter. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

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To

1.The Principal Secretary (School Education),
Santhome High Road,
Chennai - 600 028.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Director of School Education,
College Road,
Chennai - 600 006.

3.The Joint Director of School Education
(Higher Secondary),
College Road,
Chennai- 600 006.

4.The Chief Educational Officer,
Thallakulam,
Madurai.

5.The District Educational Officer,
Usilampatty - 625 532.

+1 CC to M/s.SPL.GP (SR-27135[F] dated 21/06/2022)

W.P. (MD) No.24963 of 2019
20.06.2022

DKS (CO)
GC (06.07.2022) 3P 7C