



WEB COPY

W.P.No.31980 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.31980 of 2012

V.Thangamani

... Petitioner

Vs.

- 1.The Secretary,
Educational Department
Government of Tamil Nadu
Fort St. George,
Chennai – 600 009.
- 2.The Director of School Education,
College Road,
Nungambakkam,
Chennai – 600 006.
- 3.The Chief Educational Office,
Nagapattinam,
Nagapattinam District.
- 4.The District Educational Officer-Cum-
Special Officer
Mayiladuthurai,
Nagapattinam District.
- 5.Mr.M.Rathinasamy Nadar
- 6.Mr.S.Thavasamuthu Nadar



7.Mr.R.Jayakumar

8.Mr.T.Ponnuswamy

9.Mr.V.Muthu Raja

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to refer the dispute with regard to the Constitution of the Committee with regard to the Management and Administration of the Thavasamuthu Nadar Higher Secondary School, its hostel and play ground at Poraiyur in terms of Section 53 A of the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973 to a Civil Court.

For Petitioner	: Mr.K.Bijai Sundar
For R1 to R4	: Mr.P.Sanjay Gandhi Government Advocate
For R6	: Mr.G.Muthurasu
For R9	: Mr.J.Harikrishna For Mr.T.V.Sekar
For R5, R7 & R8	: No Appearance



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W.P.No.31980 of



ORDER

The relief sought for in the present writ petition is to direct the respondents 1 to 4 to refer the dispute with regard to the Constitution of the Committee with regard to the Management and Administration of the Thavasamuthu Nadar Higher Secondary School, its hostel and play ground at Poraiyur in terms of Section 53 A of the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973 to a Civil Court.

2. The learned counsel for the petitioner made a submission that one Mr.V.Muthu Raja, who is also interested in respect of the management of the school and the 9th respondent in the present writ petition filed a writ petition in W.P.No.13880 of 2000 and this Court made an order stating that the competent authorities under the Act should refer the dispute to the Civil Court.

3. The petitioner states that no reference was made in the year 2001 pursuant to the orders passed by this Court. However, the fact remains that none of the parties pursued the order vigilantly. Irrespective of the order passed by this Court in the year 2001 under Section 53(A) of the Tamil Nadu



Recognised Private Schools (Regulation) Act, 1973, any person or body of persons interested shall approach the civil Court for the purpose of resolving the disputes.

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4. High Court cannot adjudicate the disputed issues in a writ proceeding under Article 226 of the Constitution of India. Admittedly, there is a dispute relating to management affairs and thus, the petitioner has to approach the Civil Court for appropriate remedy, since the provision contemplates any person or body of persons may approach the Civil Court. This Court is of an opinion that the petitioner, if at all interested, is at liberty to approach the competent Civil Court of law for the redressal of his grievances.

5. If at all any adjudication is pending before the Competent Educational Authorities, they shall continue and consider the same in accordance with the provisions of Act. In other words, there is no bar for the authorities to continue the pending proceedings, take a decision and pass appropriate orders.



6. With these liberty, this Writ Petition stands disposed of. No costs.

WEB COPY

21.03.2023

Jeni

Index : Yes

Speaking order

Neutral Citation : Yes

To

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