



W.P. Nos.11754 and 11759 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 13.06.2023**

CORAM

**THE HON'BLE MR.JUSTICE M.DHANDAPANI**

**W.P. Nos.11754 and 11759 of 2020**

**and**

**WMP.No.14450 of 2020**

Sri Krishna Aided Middle School,  
Rep. By its Correspondent  
K.Rajagopal

... Petitioner in  
both W.P.s

VS.

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

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

3. The District Educational Officer,  
Kancheepuram Educational District,  
Kancheepuram.

4. The Block Educational Officer,  
Kancheepuram Block,  
Kancheepuram District.

5. N.S. Geetha

6. A. Nirmala



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7. S. Parameshwari  
8. M. Adilakshmi  
9. S. Shanthi  
6. V. Poonguzhali

...Respondents in  
both W.P.s

\* R5 to R10 are impleaded by  
order of this Court in

**W.M.P. Nos.15982 and 17297 of 2020**

**Prayer in W.P. No.11754 of 2020:-** Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records relating to the impugned notice issued by the 4<sup>th</sup> respondent in Na.Ka.No.2520/A1/2017, dated 18.03.2020 and to quash the same.

**Prayer in W.P. No.11759 of 2020:-** Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1<sup>st</sup> respondent to pass orders on the Appeal Petition submitted by the petitioner dated 25.03.2013 to review and revoke the order of direct payment issued by the District Elementary Educational Officer, Kancheepuram in Na.Ka. No.0002/Aa4/2010, dated 09.07.2013 on inspection of the school premises and on verification of the relevant records including statutory certificates issued for the petitioner School and to restore the School Management by revoking the direct payment.

|                 |                                                                                                |
|-----------------|------------------------------------------------------------------------------------------------|
| For Petitioner  | : Mr.G. Sankaran, SC, for<br>Mr.S. Nedunchezhiyan                                              |
| For Respondents | : Mr. M. Alagu Gowtham<br>Govt. Advocate for R1 to R4<br>Mr.S.N. Ravichandran<br>for R5 to R10 |



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**ORDER**

Since the issue involved in both these writ petitions, are one and the same, these writ petitions are disposed of by way of a common order.

2. Writ Petition No.11754 of 2020 has been filed by the petitioner School, which was represented by its Correspondent to quash the impugned notice issued by the 4<sup>th</sup> respondent in Na.Ka.No.2520/A1/2017, dated 18.03.2020.

3. Writ Petition No.11759 of 2020 has been filed by the very same petitioner School seeking for a direction to the 1<sup>st</sup> respondent to consider and pass orders on the Appeal Petition submitted by the petitioner dated 25.03.2013 as well as to review and revoke the order of direct payment issued by the District Elementary Educational Officer, Kancheepuram in Na.Ka. No.0002/Aa4/2010, dated 09.07.2013 on inspection of the school premises and on verification of the relevant records including statutory certificates issued for the petitioner School and to restore the School Management by revoking the direct payment.

4. The brief facts of the case are as follows :-

It is averred in the petition that the petitioner School was started in the year 1931 as a primary School and subsequently, the said school was upgraded as Middle School in the year 1955. Later in the year 1988, the



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original Founder of the school transferred the school in the name of the petitioner, who is acting in his individual capacity as Correspondent and represented these petitions for the petitioner /School. While so, the Correspondent of the School prescribed uniform / dress code for the teachers and staff of the said school and instructed them to implement the same strictly. Aggrieved over the stringent implementation, the newly impleaded respondents along with other teachers have protested against the petitioner.

5. It is further averred that due to the aforesaid protest, the impleaded respondents in connivance with Human Rights Organisation as well as with media people alleged that the petitioner has sexually harassed them and lodged criminal complaints against the petitioner. Thereafter, the first respondent has issued Proceedings dated 04.01.2010, which culminated in passing orders for direct payment. Against the said order, the petitioner filed W.P. No.1538 of 2010, which was later disposed of by directing the official respondents to pass orders after conducting enquiry and providing reasonable opportunity to the petitioner School and the aggrieved teachers. It is the grievance of the



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petitioner that pursuant to directions of this Court in W.P. No.1538 of 2010, the first respondent passed orders against the petitioner on 02.12.2011, that too without conducting proper enquiry. Aggrieved over the same, the petitioner filed another writ petition viz., W.P. No.29908 of 2011 seeking for quashment of the impugned order, dated 02.12.2011 and subsequently, this Court allowed the said writ petition and remitted the matter back to the first respondent for fresh consideration.

6. On the other hand, the impleaded respondents along with other Teachers have filed Appeal viz., W.A. No.1081 of 2012, thereby, they challenged the orders of this Court passed in W.P. No.29908 of 2011, whereas the same was dismissed. Such being the position, the first respondent has mechanically passed the orders vide his order dated 09.01.2013 reiterating the reasons stated in his earlier order dated 02.12.2011. Aggrieved over the said order dated 09.01.2013 issued by the first respondent, the petitioner preferred another writ petition viz., W.P. No.1813 of 2013, for which, stay was granted by this Court earlier on 29.04.2013 and subsequently the said writ petition was dismissed. In the mean time, the petitioner has submitted a detailed representation



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on 25.03.2013 before the 1<sup>st</sup> respondent seeking for cancellation of such direct payment.

7. While so, another writ petition was filed by the impleaded respondents along with other teachers in the year 2010 viz., W.P. No.11059 of 2010 and the said writ petition was disposed of by this Court by issuing directions to the 5<sup>th</sup> respondent therein /DEEO to conduct an inspection in the said School and if the authority found lackness in infrastructure viz., classroom and safety measures, sanitation, toilet facilities, then it is open to him to take action for withdrawal of recognition and also for closure of school after following due procedures. Further, it was also held that if the said authority comes to conclusion for withdrawl of recognition, the teachers have to be re-deployed and the students to be transferred to nearby Schools.

8. In the aforesaid position, it is the grievance of the petitioner that without conducting proper inspection, the official respondent has passed the impugned notice and aggrieved over the same, W.P. No. 11754 of 2020 has been filed and likewise, the same petitioner filed W.P.



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No.11759 of 2020 with a prayer seeking for direction to consider the appeal petition filed by him on 25.03.2013 to review and revoke the order of direct payment, issued by the authority on 09.07.2013.

9. Learned Senior Counsel appearing for the petitioner in both petitions submitted that though the petitioner faced several legal battles, the authorities / official respondents have violated the principles of natural justice before passing the impugned order dated 18.03.2020. He also submitted that while disposing W.P. No.11059 of 2010, which was earlier filed by the newly impleaded parties in W.P. No.11754 of 2020, on 27.08.2019, wherein this Court made it clear that only after inspection by the 5<sup>th</sup> respondent therein, he is directed to take proceedings against the 7<sup>th</sup> respondent therein, who is the petitioner in the instant petitions, but without doing so, the official respondent has passed the impugned order, which is unsustainable in the eye of law. Further, he submitted that the impleaded parties are influential persons and taking the same as right, they alleged false criminal complaints against the petitioner stating sexual harassment and non provision of adequate infrastructure facilities in the school. Due to such action, the students strength was also reduced



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drastically. In view of the above, he prays for setting aside the impugned order dated 18.03.2020 as well as for issuance of appropriate directions for conducting proper inspection at the petitioner School.

10. Per contra, Mr.M.Alagu Gowtham, learned Government Advocate appearing for the respondents 1 to 4 submitted that pursuant to directions of this Court, the official respondents have conducted inspection in the petitioner School on 17.12.2019. However, the same has not been reflected in the impugned order. Therefore, he submitted that he has no objection for issuance of appropriate directions from this Court.

11. Mr.S.N. Ravichandran, learned counsel appearing for the newly impleaded respondents submitted that the petitioner School has not provided adequate infrastructure facilities for the Students as well as for Teachers. Hence, he submitted that the recognition granted to the School has to be revoked by the official respondents and therefore, he prays for dismissal of these petitions.

12. Heard the learned counsels on either side and perused the entire records placed before this Court.

13. It is not in dispute that the petitioner is represented as



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Correspondent of the School. While going through entire records, it reveals that the petitioner-School was having a student strength of 756 in the Academic year 2010-2011 and the same has been reduced to 207 in the Academic year 2023-2024. Earlier, this Court issued directions on 27.08.2019 in W.P. No.11059 of 2010 to the 5<sup>th</sup> respondent therein to conduct inspection at the 7<sup>th</sup> respondent therein, who is the petitioner-School. Further, it was held in the said order that only after conducting proper inspection at petitioner School with regard to the infrastructure viz., classroom and safety measures, sanitation, toilet facilities, the authorities are directed to take action for withdrawal of recognition and also for closure of school after following due procedures. Further, it was also held that if the said authority comes to conclusion for withdrawal of recognition, the teachers have to be re-deployed and the students to be transferred to nearby Schools. However, on perusal of the impugned order, though it is contended by the learned Government Advocate that inspection was conducted at the petitioner School premises, it is crystal clear that inspection date was not reflected in the said order. Thus, it is evident that not only there is violation of principles of natural justice, but in fact the order of the court to conduct inspection





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orders on merits and in accordance with law, within a period of eight weeks thereafter.

16. In the result, W.P. No.11754 of 2020 is allowed and W.P. No.11759 of 2020 is disposed of with the aforesaid directions. No costs. Consequently connected miscellaneous petition is closed.

13.06.2023  
(3/3)

Internet : Yes/No  
Index: Yes/No  
Speaking order/Non-speaking order  
vsi2



WEB COPY



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**M.DHANDAPANI, J.**

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To

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

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

3. The District Educational Officer,  
Kancheepuram Educational District,  
Kancheepuram.

4. The Block Educational Officer,  
Kancheepuram Block,  
Kancheepuram District.

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13.06.2023

(3/3)