



W.P.No.18732 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2023

CORAM: JUSTICE N.SESHASAYEE

WP.No.18732 of 2021
and W.M.P.Nos.19996 and 19997 of 2021

Saraswathi Aided Primary School
Rep. by its Secretary,
Thethakudi South (post),
Vedaraniyam Taluk,
Nagapattinam District.

...Petitioner

-Vs-

1.The Director of Elementary Education
College Road, Chennai -6

2.The Chief Educational Officer,
Nagapattinam District.

3.The District Educational Officer,
Nagapattinam District.

4.The Block Educational Officer,
Vedaraniyam,
Nagapattinam District.

5.M.Rajendran, Retired Teacher,
6, Vadakkuveli, Thethakudi South
and Post, Vedaraiam T.K.,
Nagapattinam Dt.



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6.P.Gothandapani, Secondary Grade Assistant,
Teacher, Saraswathi Aided School, Thethakudi South
and Post, Vedaraniyam Taluk, Nagapattinam Dt.
(R5 and R6 impleaded vide order dated 28.09.2021
made in W.M.P.No.21882/2021
in W.P.No.18732/2021 by NAVJ)

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the entire records connected with the impugned order passed by the 3rd respondent vide Na.Ka.2638/A4/2020, dated 17.06.2020, served to the petitioner under RTI Act on 29.07.2021 and quash the same.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mr.G.Ameedius
Government Advocate
for R1 to R4

ORDER

The petitioner herein is an aided private school governed by the provisions of Tamil Nadu Private Schools (Regulation) Act, 2019 Act 35 of 2019.



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2.While so, the respondents resumed direct payment of salary to the staff of the petitioner's school. Since the petitioner could not ascertain why it had happened, they obtained necessary information by filing an application under the Right to Information Act, 2005. This proceedings of the second respondent is now challenge in this case.

3.The impugned proceedings of the second respondent provides one critical information, which states that a notice to the petitioner was issued on 25.02.2020, and it was returned as refused. It also states four reasons why it resumed direct payment within the meaning of Rule 19 of Tamil Nadu Recognized Private Schools (Regulation) Act, 1973. Of them, ground 1 to 3 appears to be general in nature, or at least the specifics were not detailed, and the last one is about non-payment of terminal benefits to a certain superannuated teacher.

4.Learned counsel for the petitioner challenged the impugned order on two grounds: (a) Since direct payment commenced, the retired teacher was paid the terminal benefits by the department directly; (b) The



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terminal benefits withheld essentially because there was some dereliction of duty found prior to that. At any rate, this does not survive any longer. Sofar as the other grounds are concerned, they appear to be general sweeping without any material information.

5.The learned counsel for the petitioner submitted that the petitioner was not given any opportunity of being heard on any of the aspects and was not even served any notice.

6.This was refuted in the counter filed by the fourth respondent. Indeed, in Paragraph 9 thereof, it is detailed that the fourth respondent had admitted to issue at least three notices on 20.01.2020, 30.01.2020, 12.02.2020, and then a final notice on 20.05.2020, informing the petitioner that the respondents would be constrained to commence direct payment if the directions indicated in the notices were not carried. It also points out to a certain specific allegations in Paragraph 12, of which the first two appears to relate to the terminal benefits payable to the retired teacher.



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7. Without getting into the merits of the allegations and counter allegations traded between the parties, this Court now requires the petitioner to offer its explanation to all the grounds of allegations which the second respondent has made against the petitioner within a period of four (4) weeks from the date of receipt of a copy of this order. Whereupon, the second respondent is required to hold an enquiry into the matter, and also give the petitioner's representative an opportunity of being heard, and is directed to dispose of the same within a period of twelve (12) weeks thereafter.

8. The Writ Petition stands disposed of with the above directions. No costs. Consequently, the connected miscellaneous petitions are closed.

11.08.2023

Index : Yes/No
Internet : Yes/No
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N.SESHASAYEE, J.,

Anu

To

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