



WEB COPY



W.P.No.17098 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.17098 of 2020

N.Deepagopika

... Petitioner

Vs.

1.The Joint Director of Elementary Education (Aided),
D.P.I. Buildings, Chennai – 6.

2.The Chief Educational Officer,
Vellore.

3.The Chief Educational Officer,
Ranipet,

4.The District Educational Officer,
Ranipet,
Ranipet District.

5.The Block Education Officer,
Walaja East,
Ranipet, Ranipet District.

6.Sri Krishna Vidhyalaya Aided Middle School,
Rep. its Secretary,
No.13, Somu Street,
Ranipet District.

... 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 3 to consider



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and pass orders on the representation of the petitioner dated 21.12.2019, taking into consideration of report of the Revenue Divisional Officer dated 25.02.2017, District Educational Officer, Vellore, dated 28.04.2017, signed on 09.05.2017 and Chief Educational Officer, Vellore dated 08.10.2018 and further take appropriate action against the Educational authorities, who granted approval of the school committee of the sixth respondent, in violations of Sec 3(6) and Rule 12 of the T.N. Recognised Private Schools (Regulations) Act and Rules, vide proceedings dated 07.05.2014 and 20.06.2017, without approving the Educational agency.

For Petitioner : Mr.S.M.Ravichandran

For Respondents : Mr.P.Sathish

Additional Government Pleader [R1 to R5]

Mr.R.S.Ananth [R6]

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the respondents 1 to 3 to consider and pass orders on the representation of the petitioner dated 21.12.2019, taking into consideration of report of the Revenue Divisional Officer dated 25.02.2017, District Educational Officer, Vellore, dated 28.04.2017, signed on 09.05.2017 and Chief Educational Officer, Vellore dated 08.10.2018 and further take appropriate action against the Educational authorities, who granted approval of the school committee of the sixth respondent, in violations of Section 3(6) and Rule 12 of the T.N.



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Recognised Private Schools (Regulations) Act and Rules, vide proceedings

dated 07.05.2014 and 20.06.2017, without approving the Educational agency.

2. The case of the petitioner is that, the sixth respondent School is an Aided Middle School started by the grandfather of the petitioner in the year 1952. During the period of her grandfather, the management was transferred to the mother of the petitioner R.Gajalakshmi, who worked as Headmistress and Manager of the School. While so, on 24.04.2014, the petitioner's mother died leaving behind the petitioner, one N.Shyam Prabu and Jayasree Kothai as legal heirs. Thereafter, on 07.05.2014, without getting approval from the Educational Agency, the DEEO, Vellore approved the School Committee. Subsequently, on 20.06.2017, the DEEO, Vellore, approved the School Committed without getting approval of the Educational Agency. Thereafter, due to mal-administration and misappropriation of scholarships granted to the students, by the sixth respondent, general public made complaint before the Distict Collector, Vellore. Based on the complaint, Revenue Divisional Officer and DEEO have conducted separate enquiry and submitted reports. Based on the reports, the second respondent recommended for ordering direct payment. The DEEO, Vellore by proceedings dated 07.11.2018 brought the school under direct payment. On 21.12.2019, the petitioner made a representation before the



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respondents requesting them to take appropriate action against the officials who granted approval of school committee by order dated 07.05.2014 and 20.06.2017 contrary to rules of T.N. Recognised Private School (Regulations) and Rules. Since the same was not considered by the respondents, the petitioner has filed the above writ petition before this Court for appropriate directions.

3. The learned counsel for the petitioner submits that, without approval of Educational Agency the DEEO, Vellore approved the School Committee of the sixth respondent, which is not sustainable. Accordingly, he prays for appropriate orders.

4. The learned counsel appearing for the sixth respondent submitted that the petitioner herself claimed in her affidavit that the School Committee was approved by the DEEO, Vellore. Hence, he submits that, without challenging the approval order, filing the present writ petition is not sustainable. Accordingly, he prays for dismissal of the writ petition.

5. Heard the learned counsel appearing on either side and perused the materials available on record.



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6. As rightly pointed out by the learned counsel appearing for the sixth respondent that, without challenging the approval of the School Committee, filing the present writ petition is not sustainable. Hence, the prayer sought for by the petitioner cannot be acceded to. However, the petitioner is at liberty to challenge the approval order passed by the DEEO, Vellore, in the manner known to law.

7. Accordingly, the writ petition is dismissed with the aforesaid liberty.

No costs.

21.06.2023

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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sp

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