



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.03.2023

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.33092 of 2018
WMP.Nos.38373 & 38376 of 2018

Tamil Nadu Recognized Aided Private
School Managers Association,
37, Trivandrum Road, Tirunelveli,
Rep. By its General Secretary,
P.Thayappan
S/o.Ponnusamy Pillai.

... Petitioner

Vs.

1. The Principal Secretary to Government,
School Education Department,
Secretariat, Chennai-9.

2. The Principal Secretary/Commissioner of Treasuries
and Accounts,
Integrated Office complex for Finance Department,
Nandanam, Chennai-35.

3. The Director of School Education,
DPI Campus, College Road,
Chennai-6.

4. The Director of Elementary Education,
DPI Campus, College Road, Chennai-6.

... Respondents



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Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned communication in Rc.No.0012/PA/JDS/2018 dated 09/2018 and to quash the same and consequently, directing the respondents to implement integrated financial and human resource management sustem (IFHRMS) in Government Aided Schools in accordance with law and not in derogation of the provisions of Tamil Nadu Recognized Private Schools (Regulations) Act, 1973 and Rules 1974 in the matter of e-salary of scheme and e-SR maintenance.

For Petitioner : Mr.G.Sankaran, Senior Counsel
For Respondents : Mr.R.Neelakandan, AAG
Assisted by Ms.M.Keerthika, GA

ORDER

This Writ Petition has been filed seeking quash the impugned communication dated 09/2018 and consequently, directing the respondents to implement integrated financial and human resource management system (IFHRMS) in Government Aided Schools in accordance with law and not in derogation of the provisions of Tamil Nadu Recognized Private Schools (Regulations) Act, 1973 and Rules 1974 in the matter of e-salary of scheme and e-SR maintenance.

2. It is the main grievance of the petitioner that the petitioner



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association is a registered Association under provisions of Tamil Nadu Societies Registration Act. The petitioner Association has been formed with laudable object of protecting the interest of its members viz., Aided Private Schools in Tamil Nadu. The petitioners are aggrieved against the proposed action on the part of the respondents as per the impugned communication issued by the third respondent addressed to the second respondent dated 09/2018 by which the powers and responsibilities conferred under the provisions of Tamil Nadu recognized private schools Regulations Act 1973 and Rules 1974 are sought to be taken away in violation of statutory provisions. Challenging the said impugned communication, the present writ petition has been filed.

3. It is the further case of the petitioner association that as per the directive principles of State policy of Indian Constitution, the State shall endeavor to provide earlier childhood care and education for all children until they complete the age of six years. As per Article 21A of the Constitution of India, the State shall provide free and compulsory education to all the children of the age of six to fourteen years, in such manner as the parent guardian to provide free and compulsory education to all children of the age of six to fourteen years. While so, in the matter of imparting education, the private



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operators are permitted to establish educational institutions in sharing the responsibility of State function. The schools established by private managements in the lands owned by them by providing infrastructural and instructional facilities are approved by State Government by releasing grant in aide both in the form of salary grant maintenance grant. The Government of Tamil Nadu enacted Tamil Nadu Recognized Private Schools (Regulation) Act, 1973 for regulation of recognized private schools in the State of Tamil Nadu, for which, Rules are framed. As per the provisions the School Committee and Secretary of School Committee are assigned with powers and responsibilities.

4. Such being the position, the Government of Tamil Nadu has introduced Integrated Financial and Human Resource Management System (IFHMRS) project. The said Project has introduced for the maintenance of the e-SR and e-salary system to the employees of the State Government. Whereas while extending the project for teachers of Government Aided Schools, certain powers conferred upon the Secretaries of the school administration committee constituted under the provisions of Tamil Nadu Recognized Private Schools (Regulation) Act, 1973 and Rules 1974 have been violated and the Secretaries of the Private Schools are deprived of their hold in the school administration.



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5. While so, in the matter of taking steps to implement the IFHMRS Project in respect of the Government Aided Schools, the third respondent has indulged in forwarding a impugned communication to the second respondent by prescribing the method of implementation in violation of the provisions of Tamil Nadu Recognized private Schools (Regulation) Act, 1973 and Rules 1974. Challenging the said communication dated ...09.2018, the present petition has filed.

6. It is submitted by the learned Senior Counsel that during pendency of the writ petitions, the Government have given powers to the Correspondent/Secretaries of the school, who shall continue to exercise the powers, vide order dated 30.11.2021 and the same was also reiterated vide proceedings of the Joint Director dated 07.04.2022. Therefore, the learned Senior Counsel prays that this Court may directs the respondents to implement the order communication dated 07.04.2022.

7. The learned Additional Advocate General appearing on behalf of the respondents submitted that the communication dated 07.04.2022 have been communicated to all the CEOs' for implementation of the IFHMRS scheme.



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8. In view of the submission made by the learned Additional Advocate General, this Court directs the respondents 3 & 4 to communicate the proceedings 07.04.2022 to all the CEOs' in Tamil Nadu to implement the IFHMRS scheme in respect of the Tamil Nadu Recognized Aided Private Schools, within a period of six months from the date of receipt of a copy of this order, if not already communicated.

9. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected Criminal Miscellaneous Petitions are closed.

09.03.2023

Index: Yes/ No

Internet: Yes/No

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