



W.P(MD)No.5745 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.5745 of 2023

and

W.M.P(MD) No.5342 of 2023

John Samuel Nallathambi

... Petitioner

Vs.

1.The District Educational Officer,
Elementary Education,
Tirunelveli.

2.The Block Education Officer
Block Education Office,
Palayamkottai (Rural),
Tirunelveli.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to consider the proposal submitted by the petitioner for transfer of educational agency of the petitioner school Sree Siddhi Vinayagar Senthamil Vidya Salai, Chathiram Puthukulam, Tirunelveli and the



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proposal for approval of the school committee / secretaryship of the said school and grant approval for the said proposals.

For Petitioner : Mr.V.R.Shanmuganathan

For Respondent : Mr.M.Ramesh,
Government Advocate

ORDER

The writ petition has been filed in the nature of a Mandamus seeking a direction particularly against the first respondent / District Educational Officer, Elementary Education, Tirunelveli, to consider the proposal which had been finally resubmitted on 31.12.2022 by enclosing all necessary document by the petitioner herein, for transfer of the educational agency of the petitioner's school and for approval of the School Committee / Secretaryship and grant approval for the said proposal. The entire issue relates to Sree Siddhi Vinayagar Senthamil Vidya Salai, Chathiram Puthukulam, Tirunelveli.

2. The said school was originally run by Mr.Shanmuga Sundaram Pillai. It was then purchased by Mr.S.Ganesa Subramania



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Pillai. Thereafter, Mrs.Ganga Devi, had purchased it and then the ownership was transferred to Mr.Arunachalam. He was the educational agency as well as Secretary of the School Committee till 25.09.2021. He then transferred the said School to the petitioner, John Samuel Nallathambi. The petitioner was acting as both educational agency as well as the Secretary of the School Committee. The School Committee was also periodically renewed once in three years. Thereafter, the School was shifted to a new premises and it was run on the strength of a lease deed. Thereafter, the owner of the land agreed to execute a sale deed and the wife of the petitioner herein, who happened also to be the power of attorney of the owner, executed a sale deed in favour of the daughter of the petitioner, Sheeba Joy Bell, by sale deed dated 23.09.2020. The proposal was submitted for transfer of the educational agency from the petitioner to that of his daughter. There was also a proposal for the renewal of the School committee for the period 2023-2025.

3. These proposals have been moving from the office of the first respondent to the petitioner and back again by the petitioner resubmitting the same. Finally, the petitioner appears to have resubmitted



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the entire proposal on 31.12.2022 by enclosing the value of the land, the encumbrance certificate, the certificates relating to the daughter and the certificate relating to the approval granted to the School and also the licence issued by the Tahsildar and also computer patta and also rough sketch and the map of the place, where the school is now functioning from. An obligation is therefore, placed on the first respondent to pass necessary orders. It is only be appropriate that if he has any clarification to seek, then he issues notice to the petitioner herein or to the daughter of the petitioner herein and seek clarification. Keeping the file pending would not be to the advantage of either the petitioner or the respondents.

4. A direction is therefore, issued that the first respondent may examine the revised proposal or re-submitted proposal, dated 31.12.2022 and the enclosures therein and take a considered decision within a period of 12 weeks from the date of receipt of a copy of this order.

5. The first respondent, may also issue notice to the petitioner or to the daughter of the petitioner and examine the records of



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the school and examine the previous approvals granted for running of the School and also of the School Committee and put in place, a considered order. An order is required because, the petitioner will also necessarily have to pay the salaries for the staff of the school and unless the school is recognized, the concept of salary would not arise.

6. Placing an obligation on the first respondent to pass such orders within a period of twelve weeks from the date of receipt of a copy of this order, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

28.03.2023

Index : Yes/No
Internet : Yes/No
NCC : Yes / No

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C.V.KARTHIKEYAN, J.

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