



W.P(MD)No.7247 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2023

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.7247 of 2023

and

W.M.P.(MD)Nos.6838 & 6839 of 2023

P.Indirani

... Petitioner

**Vs.**

- 1.The Director of School Education,  
Door No.17, College Road,  
Suppa Salai Avenue, Nungambakkam,  
Chennai-60008.
- 2.The Chief Educational Officer,  
C.V.Government Higher Secondary School Campus,  
Thoothukudi-628003.
- 3.The District Educational Officer,  
V.O.C.Government Higher Secondary School Campus,  
Kovilpatti-628501,  
Thoothukudi District.
- 4.The Sub Registrar,  
Kovilpatti, Thoothukudi District.
- 5.Ayyanar
- 6.M.Shyam
- 7.V.Babitha
- 8.T.Rathimunishri

... Respondents



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**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 27.04.2020 in Moo.Mu.No. 2025/Aa1/2020 and the impugned order dated 06.03.2023 in Na.Ka.No. 84/Aa2/ 2023 passed by the third respondent and quash the same and consequently directing the respondents 2 and 3 to conduct a detailed enquiry about the inclusion of the respondents 5 to 8 as trustees of Everest Mariappa Nadar Charitable Trust and the constitution of the school committee of Everest Mariappa Nadar Higher Secondary School.

For Petitioner : Mr.J.Barathan

For Respondents : Mr.S.Ra.Ramachandran  
Additional Government Pleader for R1 to R4

: Mr.E.V.N.Siva for R5

: C.S.Sriram for R6

: no appearance for R7

### **ORDER**

Heard the learned counsel on either side.

2. Vide proceedings dated 27.04.2020, the District Educational Officer, Kovilpatti approved the constitution of the school committee for Everest Mariappa Nadar Higher Secondary School, Kovilpatti. Questioning the same, the petitioner submitted her objections. The petitioner's objections were negatived vide proceedings dated 06.03.2023. Challenging the same, the present writ petition came to be filed.



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3. Section 53(A) of the Tamil Nadu Recognised Private Schools

(Regulation) Act, 1973, is as follows:-

53A.Settlement of dispute as to educational agency, etc.- (1)

Notwithstanding anything contained in Section 53, whenever any dispute as to the constitution of any educational agency, or as to whether any person or body of persons, is an educational agency, in relation to any private school, or as to the constitution of a school committee, or as to the appointment of the secretary of the school committee, arises, such dispute may be referred by the persons interested or by the competent authority to the civil Court having jurisdiction, for its decision.

(2) Pending the decision of the civil Court on a dispute referred to it under Sub-Section (1) or the making of an interim arrangement by the civil Court for the running of the private school, the Government may nominate an officer to discharge the functions of the educational agency, the school committee of the secretary, as the case may be, in relation to the private school concerned.

Though this Act has been repealed and the new Act has been enacted, in view of the interim order passed by the Madras High Court, the new Act is yet to be put into operation. The petitioner is having an effective remedy to file a statutory suit against the grant of approval. The petitioner is given liberty to do so. If any such suit is filed, the same will be numbered immediately by the jurisdictional court and disposed of on merits and in accordance with law as expeditiously as possible. I make it clear that I have not gone in the merits of the matter. All the contentions of the petitioner and the defences of the private respondents are left open.



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4. The Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

**03.11.2023**

Index : Yes / No  
Internet : Yes/ No  
rmi

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**G.R.SWAMINATHAN, J.**

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