



W.P(MD)No.9571 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9571 of 2020

and

W.M.P.(MD)Nos.18577, 8627 & 8628 of 2020

The Manager & Correspondent,
St.Alphonse Middle School,
Cumbum, Uthamapalayam Taluk,
Theni District.

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St.George, Chennai-600 009.
- 2.The Principal Secretary / Commissioner of
Treasuries and Accounts,
Integrated Office Complex of Finance Department,
Nandanam, Chennai-600 035.
- 3.The Director of School Education,
College Road,
Chennai-600 009.
- 4.The Treasury Officer,
District Treasury, Theni,
Theni District.
- 5.The Chief Educational Officer,
Theni District, Theni.



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6. The District Educational Officer,
Uthamapalayam,
Theni District.

7. The Joint Director of School Education,
(Secondary Education), Chennai-6.
(R7 is impleaded vide order dated 23.06.2023
in W.M.P.(MD)No.7585/2023)

... Respondents

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 proceedings of the 3rd respondent in R.C.No.0012/PA/ JDS/2018 dated . 09.2018 and the consequential proceedings in Na.Ka.No.008455/D1-E4/2019, dated 07.04.2022 on the file of the Joint director of School Education (Secondary Education) and quash the same in so far as the petitioners school is concerned and consequently directing the respondents to implement Integrated Financial and Human Resource Management System (IFHRMS) in the petitioner school in accordance with law and not in derogation of the provisions of TN Recognised Private Schools (Regulation) Act, 1973, the Tamilnadu Recognised Private schools (Regulation) Rules, 1974 and Tamil Nadu Minority Schools (Recognition and Payment of Grant) Rules, 1977 in the matter of e-salary of scheme and e-SR maintenance.
(Prayer is amended vide order dated 23.06.2023 in W.M.P.(MD)No.7583 of 2023)

For Petitioner : Mr.G.Vanjinathan

For Respondents : Mr.Veerakathiravan
Additional Advocate General
assisted by
Mr.N.Satheeshkumar
Additional Government Pleader



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ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Advocate General assisted by the learned Additional Government Pleader appearing for the respondents.

2. The impugned communication issued by the third respondent herein to the second respondent is with regard to disbursement of pay and allowances to the teachers and other persons employed in the aided schools. It envisaged dispensing with the role of Secretary / Correspondent in the process of disbursement of salaries to the school staff. The third respondent proposed that the clerical assistant of the school can initiate the process of bill preparation. It should be verified by the Headmaster of the school and approved by the District Educational Officer concerned. This communication was stayed by the Principal Seat in a number of writ petitions. However, the grievance of the management was duly redressed by the subsequent proceedings dated 07.04.2022 issued by the Director of Secondary Education, Chennai. It has now been made clear that the Correspondent / Secretary will also be associated in the process and he will be designated as sanctioner. In other words, after the stages of initiation and verification, before

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approval by the District Educational Officer, the Secretary / Correspondent will have to sanction the bill. Citing this development, a learned Judge of this Court vide order dated 10.01.2023 in W.P.(MD)No. 7458 of 2020 closed the writ petition in the following terms:-

“2. The petitioner Management has filed the present writ petition challenging the order passed by the third respondent, dated 17.09.2018, on the ground that Integrated Financial and Human Resources Management System was implemented in the management of nine educational institutions and the same was not applicable to the minority institutions. During the pendency of the writ petition, the Correspondent/Secretary is added as a Sanctioner through the proceedings of the Joint Director of School Education, dated 07.04.2022. Hence, no further order is necessary in this writ petition. Accordingly, this Writ Petition is closed.”

When I proposed to close this writ petition also citing the aforesaid writ order, the learned counsel appearing for the petitioner pointed out that he had filed an amendment petition questioning the proceedings dated 07.04.2022 issued by the Joint Director of School Education (Secondary Education), Chennai herein. According to him, the scheme set out in Tamil Nadu Minority Schools (Recognition and Payment of Grant) Rules, 1977, is still there. He drew my attention to Rule 5 and Annexure-I.



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3. I am not persuaded by the said submission of the learned counsel appearing for the petitioner. As rightly pointed out by the learned Additional Advocate General, the subsequent proceedings dated 07.04.2022 issued by the Joint Director of School Education (Secondary Education), Chennai not only take care of the concerns expressed by the school management but are very much in accordance with the statutory rules. Rule 5 of Tamil Nadu Minority Schools (Recognition and Payment of Grant) Rules, 1977, is as follows:-

5. Pay and allowance of Teachers and other persons employed in Minority Schools to be paid in the prescribed manner:- The procedure for payment of pay and allowances from the State funds to teachers and other persons employed in Minority schools shall be as in Annexure I appended to these Rules.

Annexure I is as follows:-

**PROCEDURE FOR PAYMENT OF PAY AND ALLOWANCES
TO TEACHERS AND OTHER PERSONS EMPLOYED IN MINORITY
SCHOOLS.**

(b) Pre-Primary, Primary and Middle Schools in Panchayat Union Area:- The Correspondent / Manager of the schools shall submit a monthly statement containing the details of Teachers and other persons employed, their pay and allowances for the month to the Deputy Inspector of Schools. The Deputy Inspector of Schools after



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scrutiny of the above statement, shall submit them to the District Educational Officer concerned with his recommendations, marking a copy of his recommendations to the Commissioner of the Panchayat Unions concerned.

The Panchayat Union Commissioner shall issue cheques during the last week of the month to the Correspondent / Manager of the amount recommended by the Deputy Inspector of Schools. Such cheques shall be encashed only on the 1st day of the next month or on any date authorised by the Director of School Education and the pay and allowances of Teachers and other persons employed shall be disbursed on the same day. In the meantime, the recommendations of the Deputy Inspector of Schools shall be perused by the District Educational Officer and he shall issue sanction order to the Commissioner. If any variations are found between the amount for which cheques are issued and the amount sanctioned by the District Educational Officer, such amount shall be adjusted in the payee for the next month by the Commissioner.

4. Earlier, disbursement of funds was done manually. Bills were submitted by the school management to the department which disbursed the grant to the management and from the management, the individual staff (teaching and non-teaching) received their salary. This gave rise to a number of complaints. There are instances, wherein the management would coerce the staff to part with a portion of their pay and allowances. In order to streamline the entire process, the system of directly crediting



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salary to the accounts of the respective staff was introduced. Transfer is done through electronic mode and the system is paperless. I see IFHRMS as the next step. We may have to ultimately migrate to paperless system. Rules were issued way back in the year 1977. We are now in 2023. There has been a march of technology. Therefore, it is idle to contend that the scheme set out in 1977 should be followed. Even according to the management, they want to retain some kind of hold over the staff. When the management gets grant from the Government and the staff are meant to be the recipients, it is just and proper that the middle man system is completely done away with. However, recognizing the role and status of the correspondent / secretary, in the impugned proceedings, they have been added as sanctioners. Their rights have not been breached or violated in any manner. There is no merit in the challenge made to the proceedings of the Joint Director of School Education (Secondary Education), Chennai. The learned counsel appearing for the petitioner states that in some institutions, there are no clerical staff. If that be so, a representation can very well be made to the District Educational Officer who can nominate and identify any Government paid servant as initiator.



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5. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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

- 1.The Secretary,
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- 2.The Principal Secretary / Commissioner of
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7. The Joint Director of School Education,
(Secondary Education), Chennai-6.



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G.R.SWAMINATHAN, J.

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