



W.P.(MD)No.15270 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.15270 of 2020

and

W.M.P.(MD)No.12824 of 2020

Zamindar Street High School,
Represented by its Secretary,
T.Venkatesan,
Devakottai,
Sivagangai District.

... Petitioner

Vs.

1. The Joint Director of School Education
(Secondary Education),
College Road,
Chennai - 600 006.

2. The Chief Educational Officer,
Chief Educational Office,
Sivagangai.

3. The District Educational Officer,
Devakottai,
Sivagangai District.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records pertaining to the impugned order of Direct Payment in Na.Ka.No.2679/Aa4/2008, dated 01.10.2020 on the file of the third respondent and quash the same as illegal.

For Petitioner : Mr.T.Aswin Rajasimman
For Respondents : Mr.J.Ashok
Additional Government Pleader

O R D E R

The impugned order passed by the third respondent vide proceedings in Na.Ka.No.2679/Aa4/2008, dated 01.10.2020, is under challenge in the present Writ Petition.

2. The learned counsel appearing for the petitioner would submit that the petitioner is the Secretary of Zamindar Street High School, which was founded by his forefather in the year 1928, with a noble object to provide education to the poor, needy and the downtrodden in and around Devakottai and was upgraded as Middle School in the year 1964. Further, the Education Department granted permanent recognition upto Middle



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School with staff grant. Thereafter, the School was upgraded as High School without teaching grant. The School is governed by the Tamil Nadu Private Schools Regulation Act, 1973. While so, there was a dispute between the Headmaster and the other Teachers, thereby, on 20.09.2008, the third respondent has ordered direct payment which was also confirmed by the first respondent on 02.12.2008. Aggrieved over the same, the petitioner has filed a Writ Petition in W.P.No.30887 of 2008. This Court, by order dated 18.06.2019, remanded the matter back to the respondents for fresh consideration. Thereafter, the authority conducted the enquiry in between the petitioner and the other teachers and arrived at a conclusion that still there was substantial dispute between the teachers and the petitioner School, since the petitioner enjoyed three posts, i.e., President of School Committee, Secretary and Headmaster. There is no compatibility in between the teachers and the petitioner and the same was affected the interest of the students and confirmed direct payment to the petitioner School. Challenging the same, the present Writ Petition has been filed.



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3. The learned counsel appearing for the petitioner would submit that though the impugned order was passed in the year 2020, however, after a lapse of two years there was an improvement in the petitioner School. Hence, this Court may grant liberty to the petitioner to approach either Appellate Authority or concerned authority for revocation of fresh consideration of the direct payment.

4. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

5. Considering the limited request made by the learned counsel for the petitioner, this Court without, interfering with the order impugned in the present Writ Petition, grants liberty to the petitioner to make a representation to the Appellate Authority within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the Appellate Authority shall pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of such representation.



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6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji

To

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Chief Educational Office,
Sivagangai.
3. The District Educational Officer,
Devakottai,
Sivagangai District.
4. The Secretary,
Zamindar Street High School,
Devakottai,
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M.DHANDAPANI,J.

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