



WP(MD)No.17237 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **06.10.2023**

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THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.17237 of 2020

S.Palanikumar

...Petitioner

/Vs./

- 1.The District Collector,
District Collector Office,
Virudhunagar.
- 2.The Chief Educational Officer,
District Collector Office,
NH7 Kumarasamy Nagar,
Kooraikundu, Virudhunagar-626 002.
- 3.The District Elementary Educational Officer,
176 Madurai Road,
Ramakrishnapuram,
Srivilliputtur, Virudhunagar District.
- 4.The Block Educational Officer,
Railway Feeder Road,
Rajapalayam,
Virudhunagar District.
- 5.M.Venkatasamy Nayakkar
- 6.S.Padmavathi

...Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 4 to conduct an



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enquiry on the petitioner's representation sent on 19.09.2020 and to appoint a special officer to the school namely Hindu Primary School, S.Thiruvankidapuram, Rajapalayam Taluk, Virudhunagar District.

For Petitioner : Mr.K.Sudalaiyandi

For Respondents : Mr.P.Thambidurai (R1 to R4)

Government Advocate

Mr.M.Ashok Kumar (R5 & R6)

ORDER

This writ petition has been filed seeking for issuance of mandamus directing the respondents 1 to 4 to conduct enquiry on the petitioner's representation sent on 19.09.2020 and to appoint a special officer to the school.

2. The grievance of the petitioner is that the school in question is an aided school and it belongs to the community people of the village. According to the petitioner, respondents 5 and 6 had colluded with each other and on producing a forged document, got approval for the educational agency of the school. According to the petitioner, there are several irregularities committed by them against the interest of the school. Therefore, a representation was made to appoint a Special Officer. Since the same was not considered, the present writ petition has been filed.



3. The third respondent has filed a counter affidavit. Relevant paragraphs in the counter affidavit are extracted hereunder:-

“8. It is submitted that the petitioners Insisting this respondent to conduct a detailed enquiry into the matter. It is however the internal conflict among the Kammavar community. The civil case is ready pending regarding the agency of the school. It is submitted that on the basis of the orders in W.P. (MD).No 8681 of 2013 dated 25-04-2017, the District Educational Officer, Virudhunagar has approved the transfer of educational agency to Tmt. V.Padmavathy with effect from 06-02-2013 in an order dated 22-12-2017 made in Mu.Mu.No. 4048/A2/2017. Now the educational Agency of the school is Tmt. V.Padmavathi as approved by the Department. In the circumstances that a civil case pending, no action can be taken as on now.

9. It is submitted that appointment of Special Officer in certain cases can be appointed by the government only on receipt of report from the Director of Elementary Education or otherwise satisfied that the management of any private school is responsible for any maladministration lapses or irregularities. It is submitted that there are two teachers working in the school. There is no question of any surplus staff. No complaints regarding the payment of salary has been received. As on now there is no any dispute regarding the educational agency. The Department has not received any complaint except the representation from the petitioner. There is no necessity to appoint any Special Officer as on now. However the case will be taken for further enquiry only after the final judgment in the civil



case filed by the petitioner.

10. It is submitted that in view of the above position and in the circumstances that there is no serious irregularity in the school except the complaint regarding the agency of the school from the petitioner and as it is the internal conflict among the members of Community for which a civil case has been filed and it is pending in the court for adjudication now there is no necessity for a detailed enquiry as required by the petitioner. There is no merit in the prayer of the petitioner and is not sustainable in law and the writ Petition is not maintainable in law and is liable to dismissed.”

4. Heard Mr.K.Sudalaiyandi, learned counsel for the petitioner, Mr.P.Thambidurai, learned Government Advocate for the official respondents and Mr.M.Ashok Kumar, learned counsel for the respondents 5 and 6.

5. In the considered view of this Court, the dispute between the petitioner and the sixth respondent is now pending before the competent civil Court. The third respondent has already taken a stand that till any lapses or irregularities are brought to the notice of the third respondent, there is no scope for appointing a special officer. That apart, there is a pending dispute regarding the educational agency before the Civil Court. Hence, the third respondent is now waiting for the final judgment in the civil case in order to take further



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course of action. It is also made clear in the counter affidavit that there are no serious irregularities in the school as on today.

6. In the light of the specific stand that has been taken by the third respondent, there is no scope for granting the relief sought for by the petitioner. It is made clear that if any complaint regarding any serious irregularities is brought to the notice of the third respondent, the third respondent will act upon the same in the light of the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973 and the rules thereunder. That apart if there is any development in the pending suit, the same will also be taken into consideration by the third respondent. Except giving this clarity, no further orders can be passed in this writ petition. Accordingly, this writ petition is disposed of. No costs.

06.10.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
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TO:-

- 1.The District Collector, Thanjavur.
- 2.The District Revenue Officer, (Land Acquisition),
National Highways, Thanjavur.



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3.The Divisional Engineer, National Highways, Thanjavur.

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N.ANAND VENKATESH, J.

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Order made in
W.P.(MD)No.17237 of 2020

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