



W.P(MD).No. 7048 of 2016

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2023

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)No.7048 of 2016

and

W.M.P(MD) Nos.5995 and 5996 of 2016

A.S.S.Mohanraj

..... Petitioner

- Vs-

1. The Chief Educational Officer,
Theni District,
Theni.

2. The Secretary,
Pankajam Girls Higher Secondary School,
Bodinayakanur.

3. Mr.Venugopall

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned order vide proceedings No.Nil dated 08.03.2006 issued by the second respondent and quash the same as illegal.



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For Petitioner : Mr.P.Muthuvijayapandian
For Respondents : Mr.S.Kameswaran
Government Advocate
For – R1
: Mr.S.Sarvagan Prabhu
For R2 and R-3

ORDER

The present Writ Petition has been filed seeking to quash the impugned proceedings issued by the second respondent, whereby, the petitioner was removed from the Management Committee of the second respondent School.

2. The order impugned in the writ petition has been passed by the second respondent. Even though the second respondent being an educational institution, it could be brought under Article 12 of the Constitution of India for maintaining the Writ. But in the present case, the impugned order that is in dispute, is with the internal Management of the School and any orders passed arising out of such dispute could not be termed as an order passed in performance of the public duty.



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3. Hence, this Court is of the view that the present impugned order in the writ petition under Article 226 of the Constitution of India, could not be adjudicated upon. However, liberty is granted to the petitioner to approach the appropriate forum to agitate his grievance. When the petitioner approaches the appropriate forum, the same need not be rejected on the ground of limitation. In view of Section 14 of the Limitation Act, 1963, the appropriate forum shall exclude the period, namely, the date of filing the writ petition and the date of order while calculating the period of limitation.

4. With the above said observation, this Writ Petition is disposed of. There shall be no order as to costs. Consequently connected Miscellaneous Petitions are closed.

24.01.2023

NCC: Yes / No
Index : Yes / No
Internet : Yes / No
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K.KUMARESH BABU, J.

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Order made in
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