



W.P.No.2362 of 2016, etc. batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 21.06.2024

Pronounced on : 10.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.2362 of 2016, 16680 & 17159 of 2017, 4987 & 15522 of 2018,
3674 of 2021 and

WMP.Nos.2040 of 2016, 18056, 18648, 22182 of 2017, 6168, 6169,
18428, 18429 of 2018

WP.No.2362 of 2016

The Coimbatore District Textiles Workers Union,
Represented by its President
T.S.Rajamani,
2212, Trichy Road,
Singanallur,
Coimbatore 641 005

... Petitioner

Vs.

- 1.The District Educational Officer,
Coimbatore District,
Coimbatore 641 001
 - 2.The Parents Teachers Association,
Rep. By its Joint Secretary,
P.Ravindran,
Thiyagi N.G.Ramasamy Memorial Higher
Secondary School,
Kamarajar Road,
Varadharajapuram,
Coimbatore-15
 - 3.R.K.Devaraj
 - 4.G.Sadhasivan
- (respondents 2 to 4 impleaded as per order dated



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13.07.2017 in WMP.Nos.13476 of 2016,
17091 of 2017 & 17300 of 2017 in WP.No.2362
of 2016)

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the entire records pertaining to the order of the first respondent in his proceedings in Na.Ka.No.1447/Aa2/2015 dated 03.10.2015 and to quash the same and consequently to direct the first respondent to restore the school committee approved by him vide his proceedings in Na.Ka.No.5998/Aa2/2013 dated 11.09.2013.

For Petitioners

For Petitioner
in WP.No.3674 of 2021 : Mr.R.Sriram

For Petitioner
in WP.Nos.2362 of 2016,
WP.No.15522 of 2018 &
WP.No.17159 of 2017 : Mr.M.S.Krishnan,
Senior Counsel
for M/s.Sarvabhauman Associates

For Petitioner
in WP.No.16680 of 2017 : Mr.S.Venkatesh

For Petitioner
in WP.No.4987 of 2018 : Mr.T.Ranganathan

For Respondents



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For R1 to 6
in WP.No.3674 of 2021,
For R1
in WP.No.2362 of 2016,
For R1
in WP.No.17159 of 2017,
For R1 to 4
in WP.No.4987 of 2018 &
For R1 to 4
in WP.No.15522 of 2018 : Mrs.S.Mythreye Chandru,
Special Government Pleader

For R1
in WP.No.17159 of 2017 : Mr.E.Vijay Anand,
Additional Government Pleader

For R7
in WP.No.3674 of 2021 : Mr.S.N.Ravichandran

For R2
in WP.No.2362 of 2016 : Mr.N.Manokaran

For R3
in WP.No.2362 of 2016 : Mr.E.Sampath Kumar

For R4
in WP.No.2362 of 2016,
For R6
in WP.No.15522 of 2018 &
For R2 in
WP.No.17159 of 2017 : Mr.T.Ranganathan

For R6
in WP.No.4987 of 2018 : Mr.R.Selvakumar



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For R7

in WP.No.15522 of 2018 : Mr.Jayesh B.Dolia,
Senior Counsel
for M/s.Aiyar and Dolia

For R8

in WP.No.15522 of 2018 : Mr.V.Suresh
for M/s.Sivakumar and Suresh

For R4 & 5

in WP.No.16680 of 2017 : Mr.K.Srinivasamurthy
for M/s.Row & reddy

COMMON ORDER

The writ petition in WP.No.17159 of 2017 has been filed challenging the order passed by the first respondent dated 16.06.2017 thereby rejected the request made by the petitioner seeking to recognize the school committee as per the Tamilnadu Recognised Private Schools (Regulation) Act, 1973 and Rules. The writ petition in WP.No.15522 of 2018 has been filed challenging the order passed by the first respondent in GO.(Standing) No.81 dated 27.04.2018 thereby appointed Special Officer to administer the school under Tamilnadu Recognised Private Schools (Regulation) Act, 1973. The writ petition in WP.No.3674 of 2021 has been filed for direction to respondents 2 to 5 to take appropriate action against the seventh respondent who is the Headmaster of the



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School under Tamilnadu Recognised Private Schools (Regulation) Act, 1973. The writ petition in WP.No.16680 of 2017 has been filed for direction to the first and second respondents to take appropriate action as against the fourth and fifth respondents on the representations submitted by the petitioner dated 17.03.2017 and 10.04.2017 seeking to de-recognise and cancel the registration of the Coimbatore District Textile Workers Union. The writ petition in WP.No.4987 of 2018 has been filed for direction to the first respondent to consider the representation submitted by the petitioner and to pass appropriate orders to appoint Special Officer under Section 18-A of the Tamilnadu Recognised Private Schools(Regulation) Act, 1973 to administer the Primary and Nursery Section of Thiagi N.G.R.Memorial Higher Secondary School and also to take over the school administration under the control of the Chief Educational Officer, Coimbatore in the interest of the children of the above school and also their parents.

2. The Coimbatore District Textile Workers Union(hereinafter called as Union) is a registered trade union. The members of the Union decided to start an educational institution under the name and style of



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Thiyagi N.G.Ramasamy Memorial School at Coimbatore since the said Thiyagi N.G.Ramasamy was the founder of the trade union. The committee had purchased lands by various registered sale deeds to an extent of 5.62 acres comprised in SF.Nos.385/1, No.385/3, 385/4, 386/1 situated at Trichy Road, Singanallur, Coimbatore. Thereafter in order to run the school for day to day management, they resolved to form a trust in the name of Thiyagi N.G.Ramasamy Educational Trust (hereinafter called as 'Trust') on 12.07.1957. Among the trustees, Educational Committee was elected with 15 members for the post of President cum Correspondent, two Vice Presidents, one Secretary cum Treasurer, one Joint Secretary. They submitted application for establishment of school and Director of Public Instruction, Madras by an order dated 16.06.1959 accorded permission for opening a High School with forms I to III and standard VIII during 1959-60 at Varadarajapuram, Coimbatore. They constructed buildings and at present, more than 3000 students are studying from nursery education to +2 education level. The High School from standard VI to X is a Government aided school. The Coimbatore District Textile Workers Union was the Educational Agency of the school and was managing the school through Thiyagi N.G.Ramasamy



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Educational Trust.

3. In fact, the members of the Union are also the members of the Trust. However, the trust was dissolved and it started new trust under the name and style of Thiyagi N.G.Ramasamy Memorial Trust by the deed of declaration of Public Charitable Trust dated 19.01.2001. The Union as well as the Trust were running the school as the Educational Agency. While being so, disputes arose between them and resulted in filing of civil suits before the civil court. The suits in OS.No.1477 of 2013 and OS.No.33 of 2014 were filed, in which the first suit was filed by the Trust on the file of the Sub Court, Coimbatore for declaration that the Union does not have any right over the Higher Secondary School, Nursery and Primary School and also for permanent injunction restraining from trespassing into property, disturbing peaceful possession and enjoyment and administration of the school except due process of law. The second suit was filed by the Union on the file of the Principal District Court, Coimbatore for declaration declaring that the Trust's second supplementary deed as null and void and also sought for permanent injunction restraining from interfering with the peaceful



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function and administration of the school. However, both the suits were dismissed as not pressed by filing memorandum of compromise between the parties. Due to the said dispute, the teachers of the school were not paid salary. Therefore, the authorities ordered for direct payment of grants to the teachers of the school through its Headmaster. After withdrawal of the suit, representation was submitted to restore original position of the school. However, it was not considered and as such, writ petition was filed before this Court in WP.No.22337 of 2015 and the same was also dismissed. Now, the order of dismissal is under challenge in the writ petition in WP.No.2362 of 2016.

4. The learned Senior Counsel appearing for the Union submitted that the Trust members are none other than the members of the Union. Admittedly, the Union as well as the Trust formed School Committee and run the school. There were inter disputes between them, which culminated into civil suits and all the suits were withdrawn and the issues were amicably settled between themselves.

5. It is seen that thereafter, the General Body of the Union had



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elected representatives of the Union to form part of the school committee as per the educational agency resolution dated 06.04.2017. Accordingly, committee was constituted including the Headmaster of the school as ex-officio member and a parent-teacher nominee and the same has been forwarded to the District Educational Officer as contemplated under Rules 12 and 13 of the Tamilnadu Recognized Private Schools (Regulation) Rules, 1974 r/w Sections 15 and 16 of the Tamilnadu Recognized Private Schools (Regulations) Act, 1973 for approval. However, it was rejected by order dated 16.06.2017 of the District Educational Officer on the ground that already there is dispute between two groups and also the pendency of the writ petition in WP.No.2362 of 2016, which is under challenge in the writ petition in WP.No.17159 of 2017. In the meanwhile, the former Secretary of the Union one, Mr.R.K.Devaraj submitted representation seeking action as against the President and General Secretary of the Union alleging that the Union has property worth about more than Rs.100 crores which are situated in and around Coimbatore, Tiruppur and Dindigul and getting the income through the immovable properties. The President and the General Secretary acted on their own as if they are the owners of the property and



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misappropriated several lakhs of rupees belonging to the Union.

However, mal administration of the President and the General Secretary of the Union were not prevented by the members of the Union because of the illegal addition and deletion of the members of the Union. In the year 2016-2017, a bogus election was conducted by the President and the General Secretary and they themselves called as President and General Secretary without any proper election. Therefore, there are several suits pending between the members which resulted in Government aid granted to the school through the Headmaster. The said representation was not considered and as such, he filed writ petition in WP.No.16680 of 2017.

6. One, Sivakumar filed writ petition in WP.No.4987 of 2018 for direction to the first respondent to consider the representation submitted by him seeking appointment of Special Officer to administer the Primary and Nursery Section of Thiyagi N.G.R.Memorial Higher Secondary School in the interest of the children of the school and also their parents. The petitioner submitted representation alleging that there were disputes among the members of the Trust and as such, already the Chief Educational Officer, Coimbatore had taken over the administration



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of the school and maintaining the accounts of the school as per the order passed by the Director of School Education. The petitioner is also one of the life trustee member of the trust. Now the Managing Trustee is trying to get approval of the Nursery and Primary section of Thiyaagi N.G.Ramasamy Memorial School by delinking from the Higher Secondary School, which is not permissible on the ground that the recognitions given to the High School, Higher Secondary School and also to the Primary and Elementary School were sanctioned.

7. There were several suits filed by the members as well as the Union in which OS.No.1477 of 2013 and OS.No.33 of 2015 were not pressed in view of the compromise deed dated 03.02.2014. The suit filed by the Union in OS.No.1236 of 2014 was dismissed for default on 17.08.2015. The other members of the Union filed suit as against the Union in OS.No.234 of 2014, which was also dismissed as settled out of the court on 10.02.2016. The Union filed suit as against the Parent Teachers Association in OS.No.453 of 2017 and it is spending. The suit filed by the Parent Teachers Association as against the Union in



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OS.No.1318 of 2015 is also pending. That apart, the suit in OS.No.348 of 2017 between the Union and the members is pending on the file of the Sub Court, Coimbatore.

8. One, N.G. Ramasamy was the founder of the Coimbatore District Textile Workers Union which was formed in the year 1938. The members of the Union had started Higher Secondary School by making contribution of their one day salary. Thereafter, Educational Trust in the name of Thiyagi N.G.Ramasamy Educational Trust was formed in the year 1959 for the purpose of running the school in the name and style of Thiyagi N.G.Ramasamy Memorial Higher Secondary School. The trust was registered under the Societies Registration Act bearing registration No.105 of 1959. The Trust was run by its trustees. During the year 2005-2006, Thiyagi N.G.Ramasamy Nursery and Primary School was established by the Trust. Though the Union specifically contended that the properties of the school admeasuring 5.62 acres were purchased in the name of the Union, on perusal of the sale deeds revealed that the properties were purchased in the name of Thiyagi N.G.Ramasamy Memorial High School Building Committee. The properties were



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purchased by contribution made by textile workers of various textile mills in and around Coimbatore by contributing their one day salary.

8.1 In fact, the members of the Union are the School Committee. In the meanwhile, the trust was dissolved by resolution dated 12.12.2000 and resolved to start a new trust in the name and style of Thiyagi N.G.Ramasamy Memorial Trust. One, A.Subramaniam was appointed as Managing Trustee and One, Rajamani was appointed as Vice President. Thereafter, in the month of December 2009, a supplementary deed was executed to run, manage and administer Thiyagi N.G.Ramasamy Higher Secondary School and Thiyagi N.G.Ramasamy Nursery and Primary School. As per the supplementary deed, 78 trustees out of 90 were removed from the trust. Therefore, suit was filed in OS.No.348 of 2017 for declaration declaring that the deletion and the amendment in the supplementary deed as null and void and it is pending. Therefore, there is a dispute between the members of the trust and as well as the Managing Trustee, due to which the teachers were not paid salary and as such aid was granted through the Headmaster of the school and salaries are paid to the teachers.



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8.2 To overcome the same, the Union and some of the trustees entered into a memorandum of understanding dated 15.09.2014 and resolved the dispute and not pressed the suits in OS.No.1477 of 2013 and OS.No.33 of 2014. However, the said memorandum of understanding is disputed by the Life Trustee cum Joint Secretary i.e. the seventh respondent in WP.No.15522 of 2018 and submitted detailed representation to the authorities concerned. He filed writ petition in WP.No.16680 of 2017 to take appropriate action on the representation submitted by him seeking to de-recognise and cancel the registration of the Union.

9. In view of the pendency of the suits, District Educational Officer, Coimbatore rejected the request seeking to restore the school for administration by the Trust as there was no proper educational agency to run the school. Hence, in order to safeguard the assets of the school and for proper administration, the Government decided to appoint a Special Officer to administer the school till final orders are passed in the pending suits. Further, though Union were instructed to produce certain



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documents to determine the proper educational agency i.e. whether the Thiyyagi N.G.Ramasamy Memorial Trust or Coimbatore District Textile Workers Union, in spite of several opportunities, they did not produce relevant documents. Therefore, there is no proper educational agency existing in the school and as such, the Government rightly appointed the Chief Educational Officer as Special Officer to administer the school.

10. Insofar as the direction sought to take appropriate action as against the School Headmaster in WP.No.3674 of 2021 is concerned, on receipt of the representation, enquiry was conducted in which the seventh respondent attended enquiry. Enquiry was completed and the enquiry report was submitted before the authority concerned for passing final orders. That apart, criminal complaint was also lodged as against the seventh respondent i.e. School Headmaster and the same was registered in Crime No.2252 of 2020 for the offence under Sections 385, 403, 420 and 120(b) of IPC on the file of the Inspector of Police, Singanallur Police Station, Coimbatore. After completion of investigation, final report was filed, thereby referred the FIR as mistake of fact. However, the complainant filed protest petition and the same was treated as private complaint and the Judicial Magistrate had taken cognizance, which is



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pending for trial.

11. Therefore, insofar as writ petition in WP.No.3674 of 2021, the disciplinary authority is directed to pass appropriate orders on the enquiry report submitted by the enquiry officer as against the seventh respondent i.e. the School Headmaster on merits and in accordance with law within a period of of eight weeks from the date of receipt of copy of this order. Accordingly, the writ petition in WP.No.3674 of 2021 is disposed of.

12. Insofar as writ petition in WP.No.4987 of 2018 is concerned, in view of the several disputes pending between the Union and the Trust with regards to various allegations by way of civil suits, the first respondent i.e. The Secretary to Government, School Education Department is directed to appoint Special Officer to administer the Primary and Nursery Section of Thiyagi N.G.Ramasamy Memorial Higher Secondary School and also directed to pass appropriate orders to the third respondent to administer the Primary and Nursery Section of Thiyagi N.G.Ramasamy Memorial Higher Secondary School under its



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control within a period of two weeks from the date of receipt of copy of this order. Accordingly, the writ petition in WP.No.4987 of 2018 is disposed of.

13. Insofar as the writ petition in WP.No.16680 of 2017 is concerned, since already suits are pending as against respondents 4 & 5, the representation submitted by the petitioner cannot be considered, As such, this writ petition is liable to be dismissed, Accordingly, the writ petition in WP.No.16680 of 2017 is dismissed.

14. In view of the above discussion, this Court finds no infirmity or illegality in the orders impugned in the other writ petitions in WP.Nos.17159 of 2017, 15522 of 2018 & 2362 of 2016. Accordingly, the writ petitions in WP.Nos.17159 of 2017, 15522 of 2018 & 2362 of 2016 are dismissed.

Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

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Neutral Citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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To

1. The District Educational Officer,
Coimbatore District,
Coimbatore 641 001
2. Joint Secretary,
The Parents Teachers Association,
P. Ravindran,
Thiyagi N.G. Ramasamy Memorial Higher
Secondary School,
Kamarajar Road,
Varadharajapuram,
Coimbatore-15



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