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W.P.No.15414 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24/10/2024

C O R A M

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

Writ Petition No.15414 of 2024

a n d

W.M.P.No.16764 of 2024

R. Ramalingam

...

Petitioner

Vs

1. The Director of Elementary Education
DPI Campus, College Road
Chennai 600 006.

2. The Chief Educational Officer
Ariyalur District
Ariyalur 621 704.

3. The District Educational Officer
Ariyalur Educational District
Ariyalur District 621 704.

4. The Block Educational Officer
Sendurai Block
Ariyalur District 621 714.

...

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India
praying for the issuance of a writ of certiorarified mandamus to call for the
records relating to the impugned order passed by the third respondent in



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Na.Ka.No.1888/Aa1/2023 dated 20/9/2023 and quash the same and consequently, direct the respondents to grant approval of Correspondentship in favour of the petitioner in Solai Aided Primary School, Siluppanur Village, Sendurai Taluk, Ariyalur District, based on the proposal submitted by the School dated 8/12/2017 and 18/11/2020.

For petitioner	...	Mr.G.Sankaran Senior Counsel for Mr.S.Nedunchezhiyan
For respondents	...	Mr.L.S.M.Hasan Fizal Additional Government Pleader

ORDER

This writ petition has been filed to quash the impugned order passed by the third respondent in Na.Ka.No.1888/Aa1/2023 dated 20/9/2023 and consequently, direct the respondents to grant approval of Correspondentship in favour of the petitioner in Solai Aided Primary School, Siluppanur Village, Sendurai Taluk, Ariyalur District, based on the proposals submitted by the School dated 8/12/2017 and 18/11/2020.

2. The facts of the case in brief are as follows:-



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Solai Aided Primary School at Siluppanur Village & Post, Sendurai Taluk, Ariyalur District was established in the year 1955. After the demise of Mr.S.Govindasamy, Secretary and Correspondent, on 17/2/2017, his wife Amodhanambal, became the Secretary and Correspondent of the School and was approved by the Department vide, proceeding dated 4/4/2017 and the same was extended from 16/9/2015 to 15/9/2018. Since, she was ill, due to age factors, vide Resolution dated 18/4/2018, in the School Committee Meeting, it was resolved to change Correspondentship/Secretaryship in favour of the petitioner. The same was forwarded to the Department for approval and was kept pending for consideration by the respondents.

3. In the meantime, third respondent issued Proceeding dated 20/4/2020, ordering direct payment to the School on the premises that the School Committee is functioning without approval from 2018. Being aggrieved, the Secretary of the School was constrained to file W.P.No.7776 of 2020. This Court, vide, order dated 28/5/2020, admitted the writ petition and granted interim stay. Pursuant to the said order, the respondents have not passed orders on the proposal submitted on behalf of the School for



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change of Correspondent/Secretaryship. Hence, the petitioner had filed W.P.No.26366 of 2021. This Court, quashing the impugned order of direct payment in W.P.No.7776 of 2020, remitted the matter to the third respondent for fresh consideration and directed the third respondent to pass orders in accordance with law. W.P.No.26366 of 2021 was disposed of with a direction to the respondents to consider the proposal dated 18/11/2020 and pass orders on merits and in accordance with law.

4. Since no orders were passed, the petitioner had filed Contempt Petition against the then D.E.O. As a measure of harassment, the then D.E.O., lodged a criminal complaint against the petitioner in the year 2021, alleging that the petitioner had locked the School by preventing the Headmaster of the School from working during COVID 19 pandemic situation. The learned Judicial Magistrate, Sendurai passed final order on 30/10/2023, holding that false complaint has been lodged against the petitioner. Consequent to the order passed by this Court on 8/6/2023, third respondent had issued the impugned order dated 20/9/2023, rejecting the claim for approval of change of Correspondentship stating that criminal case filed against the petitioner in Crime No.138 of 2021 dated 7/8/2021 is pending and therefore, change of Correspondentship cannot be approved.



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Being aggrieved, the petitioner has come forward with the instant writ petition praying for the relief as stated therein.

5. Heard Mr.G.Sankaran, learned Senior Counsel for Mr.S.Nedunchezhiyan and Mr.LSM.Hasan Fizal, learned Additional Government Pleader for the respondents.

6. The learned Senior Counsel appearing for the petitioner submitted that as a measure of harassment, criminal complaint was lodged against the petitioner on 7/8/2021 stating that the petitioner has locked the School from 23/7/2021 to 27/7/2021. Actually, the Schools were kept closed due to COVID 19 pandemic situation, as per the Government order. Moreover, the persons convicted for criminal offence involving moral turpitude alone is not eligible to become Member of the School Committee and pendency of the criminal case could not be a disqualification to the Member of the Committee, much less the fact that the petitioner was acquitted in the criminal case.

7. The learned Additional Government Pleader appearing for the respondents submitted that if the petitioner resend the proposal to the



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Educational agency, the same will be considered after hearing all the parties concerned and appropriate orders will be passed.

8. Perused the materials available on record.

9. From the materials available on record, what could be deduced is that the petitioner was not served with the order dated 18/12/2021 cancelling the direct payment order during the pendency of the interim order granted in W.P.No.7776 of 2021. Therefore, it is clear that third respondent had passed an order during the pendency of W.P.No.7776 of 2020, challenging the direct payment order and W.P.No.26366 of 2021 for grant of approval of change of Correspondentship.

10. In W.P.No.7776 of 2020, this Court has clearly stated that the approval of Correspondentship is kept pending with the Department whereas the direct payment is ordered on the ground that the School Committee has not renewed. It is to be noted further that the proposal submitted in the year 2017 followed by another proposal dated 18/11/2020 were kept pending and the same were sought to be rejected after the orders of this Court, referring to the criminal case filed against the petitioner.



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11. In such a view of the matter, considering the submission made by the learned Additional Government Pleader, this Court directs the petitioner to resubmit the proposal to the respondents within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondents shall consider the same and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks, thereafter.

12, With the above direction, this writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

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mvs.

Index : Yes / No

Neutral Citation: Yes/No



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M.DHANDAPANI,J

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