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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16-04-2024

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

WP No.23077 of 2023

And

WMP No.22602 of 2023

Alagappa Middle School,
Represented by its Manager Mr.A.Balachandran,
Puttai, Sankarapuram Union,
Kallakurichi District-606 401. .. Petitioner

-VS-

- 1.The Director of Elementary Education,
College Road,
Chennai-6.
- 2.The District Educational Officer (Elementary
Education),
Kallakurichi,
Kallakurichi District.
- 3.The Block Educational Officer,
Sankarapuram Union,
Kallakurichi District.
- 4.A.Rajendiran



5.A.Murugan

[R-4 and R-5 impleaded vide order of Court
dated 16.04.2024 made in WMP No.24740
of 2023 in WP No.23077 of 2023]

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the entire records connected with the impugned order of the second respondent in Na.Ka.No. 449/Aa1/2022, dated 19.01.2023 and quash the same.

For Petitioner : Mr.S.N.Ravichandran

For Respondents-1 to 3 : Ms.P.Raja Rajeswari,
Government Advocate.

For Respondents-4 and 5 : Mr.D.Murugan

ORDER

The order passed by the District Educational Officer (Elementary Education), Kallakurichi in proceedings dated 19.01.2023, ordering for direct payment under the Act, is challenged in the present writ proceedings.



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2. The writ petitioner Alagappa Middle School represented by its Manager Mr.A.Balachandran, claims that he is the Manager of the petitioner-school. The school originally started as preliminary school and subsequently upgraded as Middle School functioning with One Headmaster, 3 B.T. Assistants, 11 Secondary Grade Teachers, one Secondary Grade Post, one B.T. English, one B.T. Assistant Tamil, one Physical Education Teacher and Pre-vocational Instructor posts are sanctioned.

3. Admittedly, the petitioner-School is receiving total grant-in-aid from the Government of Tamil Nadu under the provisions of the Tamil Nadu Private Schools (Regulation) Act, 1973 and the consequential Government Orders issued from time to time.

4. Mr.S.N.Ravichandran, learned counsel for the petitioner, would mainly contend that the Management dispute exists between the two groups. Therefore the Authorities ought to have relegated the parties to approach the Competent Civil Court. Instead, they have ordered for direct



payment, which is untenable.

5. The learned Government Advocate appearing on behalf of the official respondents 1 to 3, would oppose by stating that the present writ petition is the second round of litigation. The first writ petition was also filed challenging the order of direct payment, which was set aside and the matter was remanded back for conducting enquiry by affording opportunity to all the parties. Accordingly, the Authorities afforded opportunities to the parties concerned and passed the order for direct payment on merits.

6. The counter filed by the District Educational Officer (Elementary Education) states that the petitioner had forged the third respondent's signature in salary disbursement certificate of the teacher and non-teaching staff of the school management by the petitioner.

7. As against the forged signature of the writ petitioner, the third respondent has lodged a police complaint on 05.02.2019. In lieu of the complaint, the First Information Report (FIR) is registered under Crime No.540 of 2019 dated 19.11.2019 by Sankarapuram Police Station. The said



criminal case is under investigation.

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8. Further, it is contended that Mr.A.Rajendiran, Mr.Mohan-kumar and Mr.Murugan, who are the legal heirs of the sons of late Mr.Aadhimoolam. Originally, the petitioner had applied for transfer of management of the school in his favour and consent was also given by other legal heirs.

9. Considering the situation, the District Educational Officer [DEO] passed an order on 14.12.2015, transferring the management of the school to the name of the petitioner. The petitioner had not administered the school properly and within six months from taking over of charges as Manager and Secretary of the School Committee of the School, many complaints were received against him in maintaining the administration of the school.

10. Not satisfied with the administration of the school management, the other legal heirs withdrew their consent and submitted their objections to the second respondent Office and requested to change the



management of the school administration by their representation dated 22.03.2017.

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11. Considering the situation and the representation made by the teachers to the effect of bad administration of the school, the second respondent has decided to issue show cause notice in accordance with the Rules 10 and 11 (4) of the Tamil Nadu Private Schools (Regulation) Rules, 1974. The petitioner has not chosen to reply. Consequently, the second respondent passed an order bringing the petitioner-school under direct payment in accordance with the Rule 11(4) of the Rules.

12. Admittedly, even as per the petitioner-management, the dispute exists. The other legal heirs withdrew the consent given in favour of the petitioner. The Competent Authorities of the Education Department considered certain serious allegations of mismanagement. In order to protect the interest of the teachers, direct payment is ordered. However, the direct payment to the teachers and the staff of the school, would not cause prejudice to the interest of the petitioner.



13. Only after resolving the management disputes, the parties are at liberty to submit their applications for withdrawing the order of direct payment. During the existence of management dispute, it is not desirable to withdraw the direct payment order. More-so, the allegations of mis-management are also received by the respondents and taking note of all those facts and circumstances, the Authorities have decided to impose direct payment by invoking the powers conferred under the Act and the Rules. Thus this Court do not find any infirmity in respect of the order impugned passed by the District Educational Officer (Elementary Education), Kallakurichi in proceedings dated 19.01.2023.

14. Accordingly, the present writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are also dismissed.

16-04-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



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S.M.SUBRAMANIAM, J.

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