



W.P.No.24061 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

CORAM

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.24061 of 2024

and

WMP.Nos.26320 & 26322 of 2024

N.Rajasekeran

...Petitioner

Vs.

1. The Director (Primary School),
Directorate of Educational Officer,
Chennai.
2. The Joint Director (Primary Aid School),
Chennai.
3. The District Collector,
Ranipet District Collectorate Office,
Ranipet District.
4. The Chief Educational Officer,
Ranipet, Ranipet District.
5. The District Educational officer,
Primary Financial Aided School,
Ranipet District.
6. The Block Executive Officer,
Primary School,
Walaja Taluk, Ranipet District.

1/8



W.P.No.24061 of 2024

7. Viji

8. Pavitra

Head of the school,
Sri Natesan Primary Financial Aid School,
Vadagal, Ranipet District.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to impugned order passed by the 5th respondent Moo.Mu.No.0350/A4/2022 dated 06.02.2024, quash the same and direct the 1st respondent to consider the representation given by the petitioner on 27.05.2024.

For Petitioner : Mr.K.Venkatesan

For Respondents : Mrs.E.Ranganayagi, AGP, for R1 to R6

ORDER

This Writ petition has been filed seeking quashment of the order of the 5th respondent in Moo.Mu.No.0350/A4/2022 dated 06.02.2024 and to consequently direct the 1st respondent to consider the petitioner's representation dated 27.05.2024.

2. Mrs.E.Ranganayagi, learned Addl. Government Pleader takes notice for respondents 1 to 6. With the consent of the learned counsel appearing on



W.P.No.24061 of 2024

either side, this writ petition is taken up for final disposal at the admission stage itself.

3. Since no adverse order is being passed against the 7th and 8th respondents, notice to the 7th and 8th respondents is dispensed with.

4. The present writ petition had come to be filed by the petitioner addressing a grievance that though he is the Secretary of the School, which devolved upon the petitioner on account of the demise of his brother, who was the erstwhile Secretary, the official respondents had issued orders appointing the 7th respondent as the Secretary without conducting any enquiry and, therefore, left with no alternative, the present writ petition has been filed.

5. Learned counsel for the petitioner submitted that, the petitioner is the younger brother of the deceased Dhanasekaran, who acted as Secretary of the school / school committee and subsequently the petitioner acted as Secretary, which was approved in the villager's meeting. However, ignoring the same, the 5th respondent approved the appointment of the 7th respondent



W.P.No.24061 of 2024

as Secretary of the school, as if it is accepted by the school committee, which is not sustainable. Learned counsel further submitted that, though the petitioner had sent a representation on 13.2.2023, without conducting proper enquiry, the representation is alleged to have been rejected on 8.4.2024. However, even prior to the rejection of the representation, the impugned order had come to be passed by the 5th respondent on 6.2.2024, which clearly shows that there was no proper consideration of the representation of the petitioner and that the impugned order bristles with violation of principles of natural justice.

6. Per contra, learned Additional Government Pleader appearing on behalf of the respondents 1 to 6 submitted that, though the petitioner claims that he is the in-charge Secretary of the school, however, the same was not approved by the Educational agency. When the school committee recommended the name of the 7th respondent and the same was approved in terms of Section 18 of the Private School Regulation Act, the only remedy available to the petitioner is to approach the competent civil court and not this court by way of filing this Writ petition.



W.P.No.24061 of 2024

WEB COPY 7. Heard learned counsel on either side and perused the materials available on record.

8. Though the petitioner has placed all the averments in the affidavit and the learned counsel for the petitioner has also canvassed the same by placing his arguments, however, it is to be pointed out that as against the grievance expressed by the petitioner the proper course open to the petitioner is to only approach the Civil court by filing a suit, as the said appointment has been made in terms of Section 18 of the Tamil Nadu Private Schools Regulation Act. In fact, the learned counsel for the petitioner also fairly concedes that the said appointment is made by invoking the powers u/s 18 of the Tamil Nadu Private Schools Regulation Act. In such circumstances, the grievance entertained in this writ petition cannot be considered and the petitioner has to approach the competent civil court.



W.P.No.24061 of 2024

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9. In the result, this Writ petition is dismissed granting liberty to the petitioner to approach the competent civil court and workout his remedy in the manner known to law. No costs. Consequently connected miscellaneous petitions are closed.

22.08.2024

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NCC : Yes/ No
Speaking Order : Yes/ No
Index : Yes/ No

To:

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6/8



W.P.No.24061 of 2024

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5. The District Educational officer,
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W.P.No.24061 of 2024

M.DHANDAPANI, J.

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