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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.27457 of 2023

and

WMP(MD)No.23589 of 2023

All India Private School Legal Protection Society,
Registered under Act 27, 1975 (Serial No.675/2014),
Represented by its Chairman,
I.Manoharan Jayakumar

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Principal Secretary,
School Education Department,
Fort St.George, Chennai – 600 009.

2.The Director (Formally known as Commissioner),
Tamil Nadu School Education Department,
DPI-Campus, Nungambakkam,
Chennai – 600 006.

3.The Director (Private Schools),
Tamil Nadu School Education Department,
DPI-Campus, Nungambakkam,
Chennai – 600 006.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India,
to issue a Writ of Certiorarified Mandamus, calling for the record relating to
the impugned order in Na.Ka.No.54755/C2/E1/2022 dated 01.11.2022



issued by the 2nd respondent and quash the same and in so far as 38 posts to the office of Chief Educational Office and consequently, direct the respondents to allot the 38 posts of District Educational Officer to the Department of District Educational Office (Private Schools).

For Petitioner	: Mr.S.Nedunchezhiyan for Mr.T.Antony Arulraj
For Respondents	: Mrs.S.Mythreya Chandru Special Government Pleader

ORDER

The Circular issued by the Commissioner of School Education Department dated 01.11.2022, is sought to be quashed in the present writ proceedings.

2. The petitioner is All India Private Schools Legal Protection Society, a registered Society under the Tamil Nadu Societies Registration Act. The members of the petitioner/association are running and administering private schools, which all are un-aided.

3. The impugned Circular issued by the Commissioner of School Education Department is all about reforms in Education Department. Reforms are made both on academic side and administrative side for



improving the quality of education in Government Schools and Government Aided Schools. The Circular dated 01.11.2022 is not directly connected with the un-aided schools.

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4. Learned Counsel for the petitioner would submit that the Government issued G.O.Ms.No.325 (School Education Department) dated 29.12.2010, regarding creation of Additional Posts of Deputy Inspector of Schools.

5. Creation of posts, additional posts or abolition of posts are the administrative prerogative of the Government and the petitioner/Society cannot interfere with such administrative reforms or the decisions taken by the Government creating additional posts. Additional posts are created for effective public administration by taking a decision by the Government. Such creation of posts would not provide cause for the petitioner/society to institute a writ proceedings. It is beyond the realm of the affairs of the Society. Therefore, the petitioner/society has established no cause for the purpose of challenging the Circular issued by the Commissioner of School Education.



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6. Regarding the scope of Circular, the Director of School Education/2nd respondent filed a Counter, wherein following details are provided:

“13. the Tamil Nadu Government is in an enviable position of implementing the below mentioned new schemes for the welfare of school children. Other States have started implementing this as a model.

- *IllamThediKalvi*
- *EnnumEzhuthum*
- *KalaiThiruvizha*
- *Students Club Activities and Foreign Tours*

Further, in order to ensure that students coming to Government Schools, continue their education well and complete the schooling without any hurdles due to economic and social hardship, the following welfare schemes (cost free supply to the school children) are being implemented in Tamil Nadu:

- *Textbooks*
- *Notebooks*
- *School Bag*
- *Footwear Shoes and Socks*



- *Atlas*
- *Crayon and Colour Pencils*
- *Geometry Box*
- *Special Cash Incentive*
- *Uniform*
- *Bi-cycle*
- *Woollen Sweater*
- *Rain Coats, Boots and Socks*
- *Bus pass*
- *Financial Assistance for students who lose their breadwinning parents.*

The above referred to new schemes and schemes of cost free supply are fully implemented in Government Schools through the Chief Educational Officer of the Revenue District. It was felt necessary to utilise the services of the Deputy Inspector of Schools for the implementation of the above schemes at district level in the office of the Chief Educational Officer. For this purpose only the 2nd respondent herein has issued the impugned Proceedings in Na. Ka. No. 54755/C2/E1/2022, dated 01.11.2022 deploying 38 Deputy Inspector of Schools post to all the Office of the Chief Educational Officers. Moreover, as far as the deployment of Deputy Inspector of Schools posts to the office of the District Educational Officer (Private Schools) is concerned, they will have to look after the duties assigned to them as stated supra in paragraph 8. More over in



*directorate of Private Schools only Sanctioning permission and recognition alone being done. All such things are made online. There is no work load in District Offices of Private Schools. **The Department has the inherent right to take decisions for the fullest utilization of the service of its staff.** The service of the Deputy Inspector of Schools will be more useful to the office of the Chief Educational Officer than the office of the District Educational Officer (Private Schools).*

14. With regard to the petitioner averments vide paragraphs 10 and 11 of the affidavit filed in support of the above writ petition it is submitted that the petitioner herein is wrongly interpreting that the post of Deputy Inspector of Schools is dealt with administration, recognition and supervision of private schools. They have no such roll in management of private schools. There are specific duties assigned to them in G.O. (Ms) No. 325 School Education (X2) Department, dated 29.12.2010 which is in no way connected with the duties mentioned herein by the petitioner.

15. in addition to monitoring the welfare schemes implementation. The Deputy Inspector of schools assist District Educational Officer/Chief Educational Officer at the time of inspection of Government Schools and also allotted with duties verification of admission/withdrawal and responsibilities such as of students assisting District



Educational Officer/Chief Educational Officer in the District level meetings Examination Centre visits co-ordinating with District Educational Officer/Chief Educational Officer for various kind of functions and competitions. Verification of educational qualification certificates received by District Educational Officer giving approval for result of Standards VI to IX in High / Higher Secondary Schools etc., Whereas such duties and responsibilities are not there in the Office of the District Educational Officer (Private Schools) as the Government is not providing any welfare scheme to Private Schools."

7. Thus, the writ petition is mis-conceived and the petitioner has not established any cause for the purpose of entertaining the same. Certain policy decisions and administrative reforms made by the Department for improving the quality of education deserves no interference from the hands of the Court. Therefore, the writ petitioner is not entitled to succeed.

8. Accordingly, the Writ Petition stands **dismissed**. No costs. Connected miscellaneous petition is closed.

01.04.2024

Index : yes/no



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W.P.(MD)No.27457 of 20



Speaking order/Non-speaking order
Neutral Citation : yes/no
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To

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Principal Secretary,
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S.M.SUBRAMANIAM, J.

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