



W.P(MD)No.135 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.135 of 2024

and

W.M.P.(MD)No.163 of 2024

Aided Primary School,
Mattiur Village,
Thiruppanandal Block,
Thiruvaidaimaruthur Taluk,
Thanjavur District,
Rep by its Secretary,
R.Sivaraman.

..Petitioner

Vs

- 1.The Director of Elementary Education,
Directorate of Elementary Education,
DPI Campus, College Road,
Nungampakkam,
Chennai - 6.
- 2.The Chief Educational Officer,
O/o.The Chief Educational Office,
Thanjavur,
Thanjavur District.
- 3.The District Educational Officer (Elementary Education),
O/o.The District Educational Office (Elementary),
Thanjavur,
Thanjavur District.
- 4.The Block Educational Officer,
O/o.Block Educational Office,



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Thiruppanandal,
Thanjavur District.

5.P.Sangeetha,
The Block Educational Officer,
O/o.Block Educational Office,
Thiruppanandal,
Thanjavur District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 3rd respondent in his proceedings in Na.Ka.No.0728/Aa4/2022 dated 13.12.2023 and quash the same as illegal.

For Petitioner :Mr.A.Nawazkhan,
For M/s.Ajmal Associates.

For Respondents :Mr.S.RA.Ramachandran,
Addl. Government Pleader for R1 to R4.

ORDER

This writ petition has been filed seeking a Writ of Certiorari, to quash the impugned order passed by the 3rd respondent in his proceedings in Na.Ka.No.0728/Aa4/2022 dated 13.12.2023.



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2.The petitioner is the Secretary of the school. The school was established in the year 1950. It is a private school and receiving aid from the Government. There are 100 students studying in this school. One Mathialagan, the then Block Educational Officer demanded bribe for approval of the students' promotion. Since the petitioner did not heed to the same, the free book issued by the Government had not been disbursed to the petitioner school. Hence, he lodged a complaint before the police and the same was taken on record. Therefore, he filed a petition in Crl.M.P.No.1461 of 2022 before the District Munsif Cum Judicial Magistrate, Tiruvadaimaruthur and the same was allowed. Based on the said direction, an FIR was registered. Even thereafter, the Block Educational Officer demanded bribe. He filed a petition before concerned Magistrate for registering an FIR and Human Rights Commission and thereupon, cases were registered. All the cases are pending as on date. In the meanwhile, the petitioner sent a representation to the third respondent to depute some other officials except the fifth respondent to visit their school. The Block Educational Officer, Kumbakonam visited the school and gave good report for the School. Not satisfied with the same, the third respondent inspected the school and found out some defects. Hence, a show cause notice was issued on 09.03.2023. The school management gave its explanation stating



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that all the defects were rectified. However, the third respondent rejected the same. Questioning the same, the petitioner filed W.P.(MD)No.12386 of 2023 before this Court and the same is still pending. In the meanwhile, the third respondent issued the impugned order for direct payment of the school. Challenging the same, the present writ petition has been filed.

3.The learned counsel for the petitioner states that direct payment can be invoked only if there is dispute between the teachers and management. That is not the case here. Hence, the impugned order is arbitrary. He further submitted that the impugned order was passed with malafide intention because the petitioner lodged several complaint against the educational authorities. Hence, he prayed this Court to allow the writ petition as prayed for.

4.The learned Additional Government Pleader for the official respondents would submit that the authorities had granted opportunities to the petitioner to rectify the defects. Since the petitioner did not comply with the same, the third respondent passed the impugned order. He prayed this Court to dismissed the writ petition.



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5.Since there are contraction in the contentions of the learned counsel for the petitioner and the learned Additional Government Pleader for the official respondents, this Court appointed Mr.J.Karmegakannan as Advocate Commissioner to visit the petitioner school and ascertain the damages and file a report before this Court. He has filed the report along with releavant documents.

6.Heard Mr.A.Nawazkhan, learned counsel for the petitioner, Mr.S.RA.Ramachandran, learned Additional Government Pleader for the respondents 1 to 4 and Mr.J.Karmegakannan, learned Advocate Commissioner.

7.As per the report filed by the Advocate Commissioner, it is seen that permanent recognition was given to the petitioner school on 10.02.1985. The school is having Sanitary certificate and Fire and Safety certificate. However, the petitioner is not having proper sanitary arrangements and the fire safety equipments are not in proper condition. There is no separate toilet for the students of girls and boys. On going through photographs filed by the Advocate Commissioner, there are cracks in the wall. The blackboard are in dilapidated condition. The kitchen has not been maintained properly. There is no proper water connection for the toilets and also the over-tank facility is also not



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available in the school. Hence, this Court is not inclined to accept the petitioner's claim.

8.At this stage, the petitioner through his counsel gives an undertaking that the petitioner will comply with the defects pointed out by the Advocate Commissioner as set out in the impugned order within a period of three months.

9.Recording the said undertaking, this Court directs the petitioner to comply with the defects set out in the impugned order within a period of three months from the date of receipt of a copy of this order. Upon compliance of the same, the petitioner shall approach the third respondent with relevant documents. The third respondent being satisfied with the works done by the petitioner school shall take a call in the matter on merits and in accordance with law.

10.The Officers from Health Department, Sanitary Department and the Tahsildar are present before this Court. They have not acted as per the procedures and without even inspecting the school, they have issued proceedings in favour of the school management. They tendered unconditional apology before this Court that they will not do same in future. Since the



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authorities tendered unconditional apology before this Court, they are warned to be careful in future. The authorities are hereby directed to issue orders only after personal inspection and visiting.

11.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No
Index : Yes/No
Internet :Yes/No
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To:-

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- 2.The Chief Educational Officer,
O/o.The Chief Educational Office,
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V.BHAVANI SUBBAROYAN,J

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