



W.P(MD)No.3442 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3442 of 2024

Kovilpatti Nadar Uravinmurai Sangam,
Rep. by its President,
A.P.K.Palaniselvam Nadar,
S/o.A.P.Kasi Nadar,
No.65, Pathirakaliamman Kovil Street,
Kovilpatti,
Tuticorin District-628 501.

... Petitioner

Vs.

1.The Chief Educational Officer,
O/o. Chief Educational Office,
Tuticorin District,
Tuticorin.

2.The District Educational Officer,
O/o.District Educational Office,
Kovilpatti,
Tuticorin District,
Tuticorin.

3.The District Elementary Educational Officer,
O/o. District Elementary Educational Office,
Tuticorin District,
Tuticorin.

4.The District Registrar,
O/o. The District Registrar Office,
Palayamkottai,
Tirunelveli District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 to 3 to extent the tenure of school committee of Nadar Higher Secondary School, Nadar Middle School and ICM Middle School for the period of 6 months without insisting the Form VII vide the petitioner representation dated 23.01.2024.

For Petitioner : Mr.C.Mayilvahana Rajendran

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate for R1 to R4

ORDER

Heard the learned senior counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

2. The case on hand concerns the management and administration of the Kovilpatti Nadar Higher Secondary School, Kovilpatti. The school is managed by Kovilpatti Nadar Uravinmurai Sangam. As regards the management of the society, certain disputes arose and presently, the Hon'ble Supreme Court of India is seized of the matter. The Hon'ble Division Bench of the Madurai Bench of the Madras High Court vide order dated 20.09.2023 in W.A.(MD)No. 1520 of 2020 etc., gave certain directions. Vide order dated 08.12.2023 in SLP



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(Civil) Diary No.50195 of 2023, the Hon'ble Supreme Court of India while issuing notice stayed that part of the impugned order by which fresh election was directed to be conducted. It is true that the term of the office bearers of the society has since expired. But then, fresh election cannot be conducted in view of the interim order granted by the Hon'ble Supreme Court of India. In the meanwhile, the school committee tenure has also come to an end. All that the petitioner wants is that the tenure of the school committee should be extended without insisting on Form VII. Form VII cannot be filed because the election cannot be conducted. In fact, when the department took a similar stand that Form VII must be filed in the year 2021, the petitioner herein filed W.P.(MD)No.10671 of 2021. The Writ Petition was disposed of vide order dated 28.06.2021 in the following terms:-

“6. Taking into consideration the facts and circumstances of the case and also the peculiar situation in which the petitioner Sangam is placed, there shall be a direction to the third respondent to consider the representations made by the petitioner on 11.01.2021 and 25.01.2021 and consider granting extension of the tenure of the School Committee for some time, till normalcy is restored. While granting such extension of tenure, it is left open to the third respondent to impose a condition that the election must be conducted by the petitioner within some time limit and a School Committee must be elected and the relevant Form-VII must be submitted before the fifth respondent which in turn can be forwarded to the fourth respondent. Till this process is completed, the functioning of the School should not be hampered and therefore, the extension of the tenure of the existing School Committee becomes unavoidable.”



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The Hon'ble Judge was mindful of the fact that if the relief sought for is not granted, the school administration would come to a standstill and that therefore, some kind of interim arrangement will have to be made. The very same situation obtains now also. The learned senior counsel pointed out that if tenure of the school committee is not extended, even the students interest would be adversely affected. The concerns expressed by the learned senior counsel appearing for the petitioner cannot be ignored. They are very much real. The petitioner has already given a representation in this regard on 23.01.2024.

3. The first respondent is directed to extend the tenure of the present school committee by six more months from the date of issuance of such proceedings. Such proceedings shall be issued by the first respondent within a period of two weeks from the date of receipt of a copy of this order. The Writ Petition is allowed. No costs.

21.02.2024

Index : Yes / No
Internet : Yes/ No
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To

WEB COPY

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