



WP(MD). No.12259 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 12/06/2024

CORAM

The Hon`ble Ms.Justice R.N.MANJULA

**WP(MD). No.12259 of 2024
and WMP(MD) Nos.10869 and 10870 of 2024**

Saraswathi Primary School
Muthusampuram
Muhavoor
Virudhunagar District
rep. by its Correspondent/Secretary
K.Soundrarajan

... Petitioner

Vs

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

2. The District Educational Officer (Elementary),
O/o. the District Educational Office (Elementary),
Sivakasi,
Virudhunagar District..

3. The Block Educational Officer,
O/o. Block Educational Office,
Rajapalayam,
Virudhunagar District..

4. Uma Maheswari .R,

... Respondents



WP(MD). No.12259 of 2024

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 2nd respondent in his proceedings in Na.Ka.No. 1369/A3/2023 dated 09.05.2024 and quash the same as illegal.

For Petitioner : Mr.C.Venkatesh Kumar for
M/s. Ajmal Associates,
For Respondents : Mr.T.Amjad Khan for R1 to R3
Government Advocate

ORDER

By consent the writ petition itself is taken up for final disposal.

2. Heard Mr.C.Venkatesh Kumar, learned counsel for the petitioner, Mr.T.Amjad Khan, learned Government Advocate for the respondents.

3. The petitioner has challenged the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No. 1369/A3/2023 dated 09.05.2024.



WP(MD). No.12259 of 2024

4. The learned counsel for the petitioner submitted that the fourth respondent is working as Secondary Grade Teacher at the petitioner's school. It is submitted that there are some disciplinary proceedings pending against the 4th respondent. Even before the same get completed, the 2nd respondent has transferred the 4th respondent to some other school and hence, the present writ petition.

5. The learned Government Advocate for the respondents 1 to 3 submitted the due to some internal dispute in the management, in a writ petition filed by the petitioner in WP(MD) No.1289/2011, 9876 and 13354 of 2014 etc. batch, this Court has given a direction to close the school itself and a direction was also given to the respondents to shift the students to the nearby school at the choice of the parents. Thus, there is no need for any teachers to be present in the school and it is for the management to resolve the dispute among themselves and to rework to get the recommendation for running the school.

6. The learned counsel for the petitioner submitted that so far no closure order has been issued by the department and even the order of the



WP(MD). No.12259 of 2024

Court was not implemented by shifting of the students from the school.

WEB COPY

7. In such case, it is for the authorities to take serious steps to implement the orders of this Court and to pass orders for closure. It is made clear from the representation of the learned counsel for the petitioner that the petitioner has not even challenged the order of this Court made in WP(MD) Nos.1289/2011 batch dated 05.02.2024.

8. In the extraordinary circumstances narrated above, I find no reason to interfere with the impugned order. Accordingly, the writ petition stands dismissed. However, the petitioner could get back the recommendation by resolving the dispute between themselves, the petitioner can take a call against the 4th respondent. No costs. Consequently connected Miscellaneous Petitions are closed.

12.06.2024

RR



WP(MD). No.12259 of 2024

TO

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

2. The District Educational Officer (Elementary),
O/o. the District Educational Office (Elementary),
Sivakasi,
Virudhunagar District..

3. The Block Educational Officer,
O/o. Block Educational Office,
Rajapalayam,
Virudhunagar District..



WEB COPY



WP(MD). No.12259 of 2024

R.N.MANJULA,J

**ORDER
IN
WP(MD) No.12259 of 2024**

Date : 12/06/2024