



W.P(MD)No.17947 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17947 of 2024

and

W.M.P.(MD)No.15381 of 2024

S.J.Balaji

... Petitioner

Vs.

1.The Joint Director (Elementary Education)

Department of School Education,
College Road,
Chennai-600009.

2.The District Educational Officer (Elementary Education)

Dindigul District,
Meenachinayakkanpatti,
Dindigul-624 001.

3.The Block Educational Officer,

Aathur Block,
Sempatti,
Dindigul District-624 707.

4.S.J.Muralidharan

5.S.J.Saravanan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to forbear the respondents No.



W.P(MD)No.17947 of 2024

1 to 3 from approving the transfer of Educational Agency in favour of the 4th respondent with regard to the school namely Thilagam Primary School, Chinnalapatti, Attur Taluk, Dindigul District without due consent from the petitioner as being one of the legal heir of the original educational agency granted in favour of the petitioner's father Mr. S. Jaganathan.

For Petitioner : Mr.K.K.Kannan

For Respondents : Mr.M.Sarangan
Additional Government Pleader for R1 to R3

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the official respondents. Issuance of notice to the private respondents is dispensed with.

2. The case on hand pertains to the approval of the transfer of the educational agency of the petition mentioned school. According to the petitioner, Jeganathan / his father was the educational agency originally. After his demise, the petitioner's mother Saraswathi was said to have been in-charge of the management. The petitioner would claim that there was no formal transfer of the educational agency. The petitioner's mother is now no more. The petitioner would allege that the fourth respondent is attempting to get the



W.P.(MD)No.17947 of 2024

agency transferred in his name. According to the petitioner, the educational agency should now comprise all the legal heirs. R4 & R5 are none other than the petitioner's siblings. The petitioner has given an objection before the first respondent in this regard. At this stage, the learned Additional Government Pleader draws my attention to the earlier W.P.(MD)No.19645 of 2021 filed by the petitioner. The writ petition was disposed of on 15.11.2023 in the following terms:-

“2.When the matter was taken up for hearing today, the learned counsel appearing for the respondents 4 to 6 submitted that the petitioner and the respondents 5 and 6 have already given no objection for the transfer of Educational Agency in favour of their mother, viz., fourth respondent and the fourth respondent has transferred the Educational Agency in favour of the fifth respondent and the same is now pending for approval before the second respondent. The communication made to the second respondent in this regard by the third respondent dated 22.06.2023 was also placed before this Court. It is also brought to the notice of this Court that the fourth respondent expired on 09.03.2023.

3.In the light of the above developments, it will suffice, if a direction is issued to the second respondent to act upon the communication dated 22.06.2023 made by the third respondent. This process shall be completed by the second respondent, within a period of four weeks, from the date of receipt of copy of this order.”

3. The petitioner has enclosed the copy of the proceedings dated 22.06.2023. It appears to be relating to the direct payment order and not



W.P(MD)No.17947 of 2024

transfer of educational agency. The petitioner's counsel fairly asserts that till date, the educational agency has not been transferred in favour of the fourth respondent. As and when the application of the fourth respondent is considered, the petitioner's objection will be taken into account by the first respondent. I have not gone into the merits of the matter.

4. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

31.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
rmi

To

1.The District Registrar,
District Registrar Office,
Virudhunagar District.

2.The Sub Registrar,
Registrar Office,
Watrap Taluk,
Virudhunagar.



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W.P(MD)No.17947 of 2024

G.R.SWAMINATHAN, J.

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W.P(MD)No.17947 of 2024

31.07.2024