



W.P.(MD)No.18916 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.18916 of 2024

S.Peter Raj

... Petitioner

Vs.

1. The Joint Director of School Education (Secondary),
College Road,
Chennai – 600 028.

2. The District Educational Officer,
Private Schools,
Tirunelveli – 627 002.

3. The District Elementary Educational Officer,
Vallioor – 627 117,
Tirunelveli District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to take appropriate action under the provisions of the Tamil Nadu Private Schools Regulation Act 2018, based on the petitioner's representation dated 10.05.2024 within the time stipulated by this Court.

For Petitioner : Mr.I.Robert Chandra Kumar

For Respondents : Mr.T.Amjadkhan



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Government Advocate

ORDER

With consent of the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. Heard both sides.

3. The learned counsel for the petitioner submitted that the 1st respondent in his proceedings dated 13.02.2013 has accorded continuation of recognition to Maria Grace High School, Venkatrayapuram, for the period commencing from 01.06.2011 to 31.05.2014. Subsequently, the 3rd respondent vide his proceedings dated 31.10.2017 has accorded continuation of recognition of the said School for the period from 01.06.2014 to 31.05.2017. The correspondent of the said School, one A.Antony Raj has not taken steps to renew recognition afterwards and hence, the said school has been running without recognition from 01.06.2017. It is alleged that the Correspondent has now taking steps to close the school without minding the education of the poor children in the remote area.



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4. The learned counsel for the petitioner further submitted that the Correspondent registered a rental deed dated 14.08.2012 for providing land to the School and the petitioner is one among the witnesses in the said deed document and the rental document was used for obtaining recognition to the School. Thereafter, the correspondent got free electricity connection for agriculture and secretly transferred the land to his own name though it is school land. In this regard, the petitioner got an order from the Court to take action against the said Correspondent. To escape from the clutches of law, the Correspondent has cancelled the said lease deed and decided to close the school without proper permission from the educational authorities.

5. It is contended by the petitioner that as per Section 30(1) of the Tamil Nadu Private Schools (Regulations) Act, no educational agency shall, except with the prior permission in writing of the competent authority, transfer the property of a private school by way of sale, exchange, mortgage, charge, pledge, lease, gift or in any other manner whatsoever. The petitioner also sent a representation to the respondents on 10.05.2024 to take action against the Correspondent. But the said representation has not been considered so far. Hence, this writ



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petition.

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6. Considering the above facts and circumstances of the case, the respondents are directed to consider the petitioner's representation dated 10.05.2024 and pass appropriate orders, within a period of three months from the date of receipt of a copy of this order, after issuing notice to the Correspondent namely, A.Antony Raj as well as the School authorities.

7. With the above direction, this writ petition is disposed of.

No Costs.

06.08.2024

NCC : Yes / No
Index : Yes / No
PJL

To

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N.SATHISH KUMAR, J.

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