



W.P(MD)No.25035 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25035 of 2023

and

W.M.P.(MD)Nos.21245 and 21246 of 2023

R.Subba Reddiyar,
The Secretary,
Hinud Primaru School,
E.D.Vembakottai,
Virudhunagar District.

... Petitioner

Vs.

1.The District Educational Officer (Primary),
Sivakasi,
Virudhunagar District.

2.The Block Educational Officer,
Vembakottai,
Virudhunagar District.

3.The Commissioner,
Vembakottai Panchayat Union,
Vembakottai,
Virudhunagar District.

4.The President,
E.D.Reddiyapatti Village Panchayat,
Vembakottai,
Virudhunagar 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 Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 1st respondent dated 30.08.2023 in O.Mu.No.2105/A1/2023 and to quash the same as illegal and consequently direct the 1st respondent to issue proper order of approval by recognizing the petitioner as Secretary of school Committee for the period from 28.03.2023 to 27.03.2026 for Hindu Primary School, E.D.Reddiyapatti, Vembakottai Union, Virudhunagar District within a time stipulated by this Court.

For Petitioner : Mr.K.Sudalaiyandi

For Respondents : Mr.K.S.Selvaganeshan,
Addl. Government Pleader for R1.
Mr.E.Mareeskumar,
Standing Counsel for R4.

ORDER

Heard learned counsel for the petitioner, the learned Additional Government Pleader for the first respondent and the learned counsel for the fourth respondent.



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2.The petitioner is a secretary of an aided primary school. The petitioner applied to the education department for approval of his secretaryship. It was rejected vide order dated 30.08.2023. The only ground on which the rejection order rests is that the school is housed in a panchayat building. The learned standing counsel for local body states that the petitioner has not been paying any rent at all, even the building appears to have been constructed by the local body. Now the local body wants the building for their own use.

3.The petitioner through his counsel gives an undertaking that the new building will be constructed for the school within two years. I am setting aside the impugned order and granting relief to the petitioner only because such an undertaking has been given before me. The petitioner's secretaryship is upto 27.03.2026. On the expiry of the academic year 2025 – 2026 ie., April 2026, the Hindu primary school should have moved to its own building. If the petitioner fails to do so, it is open to the respondents to take possession of the petition mentioned building. Subject to this, the impugned proceeding is set aside and the second respondent is directed to issue proceedings in favour of the petitioner approving his secretaryship.



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4.This writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

26.03.2024

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

- 1.The District Educational Officer (Primary),
Sivakasi, Virudhunagar District.
- 2.The Block Educational Officer,
Vembakottai,
Virudhunagar District.
- 3.The Commissioner,
Vembakottai Panchayat Union,
Vembakottai,
Virudhunagar District.
- 4.The President,
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Vembakottai, Virudhunagar District.



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G.R.SWAMINATHAN, J.

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