



W.P.No.6296 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.6296 of 2025 and

WMP.No.6930 of 2025

R.Sagayanathan

... Petitioner

Vs.

1.The Director of Elementary Education,
DPI Campus,
College ROAD, CHENNAI-06

2.THE JOINT DIRECTOR OF ELEMENTARY EDUCATION,
(AIDED SCHOOLS), DPI CAMPUS,
COLLEGE ROAD, CHENNAI-06

3.THE DISTRICT EDUCATIONAL OFFICER(ELEMENTARY),
THIRUVARUR, THIRUVARUR DISTRICT

4.THE BLOCK EDUCATIONAL OFFICER-II,
NANNILAM, THIRUVARUR DISTRICT

5.G.VAIDYANATHAN

... Respondents

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PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 10.12.2024 made in Na.Ka.No.023690/H4/2024 passed by the 2nd respondent, quash the same and consequently direct the respondents 3 and 4 to disburse the staff and maintenance grants aid of the K.M.Gurusamy Pillai Government Aided Middle school, Thirukottaram to the school committee recognized by the 3rd respondent on 23.05.2023 vide Proceedings made in Na.Ka.No.1251/A4/2023.

For Petitioner : Mr.N.Manoharan
for Mr.R.T.Vishnu

For Respondents
For R1 to 4 : Mr.S.Prabhakaran,
Government Advocate

ORDER



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This writ petition has been filed challenging the order

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passed by the second respondent dated 10.12.2024.

2. The petitioner is the Secretary of the School i.e. KM Gurusamy Pillai Government Aided Middle School (hereinafter called as 'the school'). It was established in the year 1936 by KM Gurusamy Pillai and his brother. The subject school is a Government Aided Middle School. After demise of the said KM Gurusamy Pillai, his elder son KMG Malaiperumal was managing the School as Secretary. Thereafter, the petitioner was appointed as Secretary and the same was recognised by the third respondent. The same was renewed from time to time. While being so, the petitioner's wife and the petitioner formed KMG Educational and Charitable Trust for administration of the school. The trust deed was duly registered vide document No.299 of 2013 dated 03.06.2013. The trust is the educational agency formed as per Section 12 of the Tamil Nadu Private Schools (Regulation) Act, 2019. The petitioner was appointed as

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Secretary of the school committee and the same was duly recognised by the third respondent and the same was renewed till 23.02.2026. In the meanwhile, the petitioner attained age of superannuation and he retired from the post of Headmaster on 31.05.2023. But the petitioner still continues as Secretary of the School Committee. While being so, the third respondent passed order on 06.07.2023 by misconstruing the petitioner's retirement from the post of Headmaster and directed direct payment of grants. It was challenged before this Court in WP.No.31546 of 2023. The fifth respondent also filed WP.No.34338 of 2023 claiming himself as Secretary of the school. This Court by common order dated 18.09.2024 directed the Joint Director, Aided Schools (Elementary) DPI Campus, Chennai to pass orders in accordance with law to decide the school committee and also its Secretary after giving notice to all the parties. As directed by this Court, the second respondent conducted enquiry. The fifth respondent produced documents in the name of the petitioner as if the petitioner resigned from his Secretaryship. Therefore, the second

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respondent passed order dated 10.12.2024 directing the third respondent
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to approve the change in the educational agency as per Rules 37(1) of the
Tamilnadu Private Schools (Regulation) Rules, 2023 (hereinafter called
as 'the Rules').

3. The learned counsel for the petitioner would submit that the
power to nominate and change the Secretary of the school committee is
vested with the educational agency subject to the approval of the third
respondent under Section 14(4) of the Tamilnadu Private Schools
(Regulation) Act, 2019 (hereinafter called as 'the Act') and Rule 25 (1) &
(2) of the Rules. The third respondent can remove the Secretary only if
the school agency has failed to comply with the directions made under
Rule 25(4). The educational agency has nominated the petitioner as the
Secretary as per the powers under Section 14(4) of the Act and Rule 25 of
the Rules. Further, the third respondent without giving opportunity of
hearing to the petitioner, passed order on 06.07.2023 and it is clear
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violation of Rules 25(5) of the Rules. If there were lapses in the
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administration, the third respondent ought to have proceeded to appoint
Special Officer as contemplated under Section 31(1) of the Act without
ordering direct payment of grants.

4. He further submitted that the fifth respondent appeared
before the second respondent and produced resignation letter of the
petitioner from Secretaryship of the school committee. Further, the fifth
respondent also formed trust namely KM Gurusamy Pillai Educational
and Charitable Trust and attempted to transfer the educational agency to
its name.

5. On instruction, the learned Government Advocate appearing
for respondents 1 to 4 submitted that only on the basis of the documents
produced by the fifth respondent, the second respondent passed order
and if at all the petitioner was not given opportunity, to that limited
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extent, the matter may be remanded back to the second respondent for passing fresh order.

6. Though notice was served on the fifth respondent and his name has been printed in the cause list, no one appeared on behalf of him before this Court either in person or through pleader.

7. On perusal of records, it is found that a new trust has been formed by the fifth respondent namely KM Gurusamy Pillai Educational and Charitable Trust, which is an educational agency of the subject school. It is completely different one. As per Section 13(1)(b) of the Act, transfer of management would be considered by the second respondent on an application made jointly by both the trusts in Form V. For the transfer of the management of the subject school, the second respondent is the competent authority to pass orders as per Rule 37(2) of the Rules and Annexure I-A. But no joint application has been made to the second

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respondent. Therefore, the second respondent ought not to have passed the impugned order. If at all there is any dispute with regard to the constitution of an educational agency or school committee, such dispute can be decided only by civil court as contemplated under Section 56 of the Act. However, the second respondent passed the impugned order.

8. In view of the above, the impugned order cannot be sustained and the same is liable to be set aside. Accordingly, the impugned order passed by the second respondent dated 10.12.2024 is set aside. The third and fourth respondents are directed to disburse the grants aid of the K.M.Gurusamy Pillai Government Aided Middle school, Thirukottaram directly to the school committee as recognized by the third respondent.

9. With the above direction, this writ petition is allowed. Consequently, connected miscellaneous petition is closed. There shall be

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no order as to costs.

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Neutral citation: Yes/No

Index: Yes/No

Speaking/Non-speaking order

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