



W.P.No.29696 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.29696 of 2023
and W.M.P.Nos.29304 and 29306 of 2023

Vallalar Aided Middle School,
Represented By Its Educational Agency cum Secretary
A. Elavarasi,
Thevangudi (Puthupettai),
Keerapalayam Union,
Cuddalore District.

... Petitioner

-Vs-

1. The Director of Elementary Education,
College Road, DPI Campus,
Chennai-6.
2. The District Educational Officer,
Cuddalore District.
3. The Block Educational Officer,
Keerapalayam Union,
Cuddalore District.
4. A.Chinnadurai
5. S.Sathiyaseelan

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorari, calling for the entire records connected with the impugned order of direct payment, passed by the second respondent in Na.Ka.No.726/Aa3/2023, dated 26.09.2023, served on 05.10.2023 and quash the same.



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W.P.No.29696 of 2023

For Petitioner	: Mr.S.N.Ravichandran
For R1 to R3	: Mr.S.Prabakaran Government Advocate (Crl.side)
For R4	: Mr.D.Arunkumar
For R5	: Mr.S.Nedunchezhiyan

ORDER

This writ petition has been filed challenging the order passed by the second respondent in Na.Ka.No.726/Aa3/2023 dated 26.09.2023, thereby made the petitioner School as under direct payment and the petitioner is permitted to get staff charge alone.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner School is a government aided Middle School and it is a non-minority institution. The petitioner School is represented by its Education Agency cum Secretary. As on date, the School is functioning with one Secondary Grade Teacher and two B.T. Assistant. The post of Middle School Headmaster is remaining vacant. As per the provisions of the Tamil Nadu Recognised Private Schools Regulation Act, 2018, the second respondent ought to have deployed a staff to the said post. That apart, the tenure of the School Committee has also expired on 05.11.2018. Therefore, there was a proposal



W.P.No.29696 of 2023

seeking approval of the School Committee for the period of next three years.

However, the said proposal was not considered and the second respondent, by its proceeding dated 22.09.2021 ratified and granted approval of School Committee for a period of three years from 06.11.2018 to 05.11.2021. After expiry, a proposal was sent for approval of new School committee and it is also pending. Further, the petitioner School also submitted a proposal dated 28.04.2022 seeking renewal of recognition of the Middle School from VI to VIII standard and it is also pending.

4. While being so, the fourth respondent was working as a Middle School Headmaster and retired in the month of March, 2023. The petitioner came to understand that the fourth respondent had submitted wrong particulars based on Old Pension Scheme. Therefore, the petitioner issued a show cause notice to the fourth respondent and called for explanation. He was also directed to produce Service Register for scrutiny. However, the fourth respondent did not produce the Service Register and failed to submit any explanation. He had submitted a proposal under Old Pension Scheme by fabricating records. Even after his superannuation, the fourth respondent did not submit any original records which were in his possession. Therefore, the petitioner was unable to effectively administer the School Management. Further, the appointment of the fifth



W.P.No.29696 of 2023

respondent is also under challenge. Therefore, the fifth respondent was under

suspension. In the meanwhile, the second respondent issued a show cause notice and called upon the petitioner to submit explanation with regard to (i) non-appointment of Headmaster, in view of superannuation of the fourth respondent, (ii) that there was a delay in furnishing the Transfer Certificates to passed out students and that EMIS data was also updated belatedly (iii) there was agitation by the parents with regard to non-furnishing of Transfer Certificates to passed out students (iv) with regard to non-approval of committee and (v) with regard to non-renewal of recognition of VI to VIII standard. Thereafter, the petitioner submitted an explanation. However, without considering and without discussing the explanation submitted by the petitioner, the second respondent passed an impugned order, thereby imposed order of direct payment system on the petitioner School.

5. The second respondent filed a counter and on the submissions made by the learned Government Advocate appearing for the respondents 1 to 3 revealed that the explanation submitted by the petitioner was not acceptable as per the Rules and passed an order. The petitioner School willfully failed to prevent unlawful activities in the School. It had failed to get the Service Registers of the School Teachers from the Headmaster at the time of relieving



W.P.No.29696 of 2023

from service and failed to appoint senior Teacher to hold additional charge of

Headmaster post. Merely because of the inefficiency and ego of the petitioner, the normal functioning of the School came to a standstill. Further, the students, who left the School were unable to get their Transfer Certificates. They suffered a lot to continue their further studies in other Schools. Hence, the parents of the students also gathered together and agitated towards the School Management. It created law and order problem among the general public. Further, the petitioner had acted as Educational Agency and the Secretary of the petitioner School. She handed over the Educational Agency to one Thirunavukkarasu on 03.07.2023. Further, though the petitioner had applied in Form V to the Joint Director of Elementary Education to get approval for transfer of management, it was not applied properly as stipulated in sub rule 37 of the Tamil Nadu Private Schools (Regulation) Rules, 2023.

6. That apart, the order impugned in this writ petition was issued as temporary measure to streamline the functioning of the School and to ensure smooth functioning. As soon as the School returns to normalcy and smooth functioning is restored, the management obtains approval for the transfer of management from the competent authority, the impugned order would be withdrawn.



W.P.No.29696 of 2023

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Further, the fourth respondent also got retired from service and his applications regarding the non-payment of retirement benefits is also pending with the School Management. So far, the school authority did not take any steps to provide retirement benefits to him.

8. In view of the above, this Court finds no infirmity or illegality in the order passed by the second respondent in Na.Ka.No.726/Aa3/2023 dated 26.09.2023 and the writ petition is devoid of merits and is liable to be dismissed. It is made clear that after rectifying all the reasons for direct payment, the petitioner is at liberty to submit a representation to revoke the direct payment. On receipt of the same, the second respondent is directed to consider the same in accordance with law.

9. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petitions are closed. No costs.

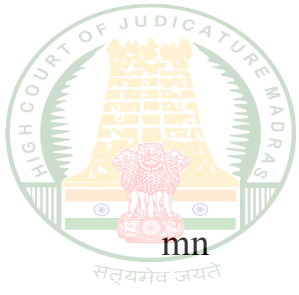
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Internet: Yes

Index : Yes/No

Neutral Citation: Yes/No

Speaking/Non Speaking order



W.P.No.29696 of 2023

WEB COPY

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W.P.No.29696 of 2023

G.K.ILANTHIRAIYAN. J.

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W.P.No.29696 of 2023

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