



W.P.No.31253 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 23.01.2025

PRONOUNCED ON : 30.01.2025

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.31253 of 2024
and
W.M.P.No.33892 of 2024

M/s.Literacy Mission Matriculation
Higher Secondary School,
Owned and run by M/s. Ponni Charitable Trust,
Rep. by its President
G.Manoharan and
Secretary to school committee,
Having its office at Samalapuram,
Somanur Post,
Palladam Taluk,
Tiruppur District-641 668.

... Petitioner

Vs.

- 1.The Government of Tamilnadu
Rep. by its Secretary,
Education Department,
Fort St.George,
Secretariat,
Chennai-600 009.
- 2.The Direction of Private Schools.
DPI Campus, College Road,
Nungambakkam,
Chennai-600 006.



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3.The District Educational Officer,
(For Private Schools)
District Educational Office,
Tiruppur Corporation Nanjappa Higher
Secondary School Campus, Kadarpet,
Tiruppur-641 601.

4.R.Ramamoorthy

5.S.A.Senthilkumar

6.P.Ganesamoorthy

[R6-impleaded as per order dated 23.01.2025
in WMP.No.37863 of 2024 in
W.P.31253 of 2024 by VSJ]

... Respondents

Prayer:-Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned G.O.(Ms) No.216, School Education (MS) Department, dated 03.10.2024 issued by the first respondent, to quash the same and to allow the management and administration of the school with the school committee existing as on the date of the impugned G.O.

For Petitioner : Mr.G.Rajagopalan, Sr. Counsel
for Mr.Deenadayalan

For Respondent : Ms.P.Rajarajeshwari
Nos.1 to 3 Government Advocate

For Respondent : Mr.Venkataramani, Sr. Counsel
No.4 for Mr.S.Ananth

For Respondent : Mr.B.Nedunchezhiyan
No.5

For Respondent :Mr.M.Sricharan Rangarajan, Sr. Counsel
No.6 for Ms.Gayathri Vasudevan



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ORDER

Challenging the Government Order passed by the first respondent in G.O.(Ms) No.216, School Education (MS) Department, dated 03.10.2024, the present petition has been filed by the petitioner and he also seeks a direction from this Court, directing the respondents to allow the petitioner to manage and administer the school with the School Committee existing as on the date of the impugned Government Order.

2. Heard the learned counsels appearing for the petitioner, as well as for the learned counsel for the respondents.

3. The brief facts of the case of the petitioner as averred in the affidavit is as follows:

a) M/s.Ponni Charitable Trust, Samalapuram, Palladam Taluk, Tiruppur District came into existence under a Trust Deed dated 30.01.1995, duly registered in Doc.No.38 of 1995 on the file of the learned Sub-Registrar, Sulur.



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b) The said Trust was founded by the following eleven trustees, namely, G.S.Ramaswamy, Arumugam, P.Senniappan, R.Muthusamy, M.Subramaniam, M.V.Thangannan, T.Chinnasamy, R.Ramamoorthy, G.Rathinasabapathy, A.Velusamy and G.Manoharan. The main object and purpose of the trust is to provide education at all levels in the area concerned and to provide free medical aid to all poor and needy. The Trust started the school in the name of M/S.Literacy Mission Matriculation Higher Secondary School at Samalapuram during the year 1995.

c) Out of eleven trustees, three trustees namely, G.S.Ramasamy, M.V.Thangannan and T.Chinnasamy resigned as trustees between 1996-2004. The remaining eight trustees have been continuously administering and managing all the activities of the trust and school till 01.02.2017. While that being so, the fourth respondent herein, who was one of the founder trustees was removed from the trust on 02.12.2017 for misappropriation of school funds.

d) During 2019, the fourth respondent along with the fifth respondent herein and resigned trustees created forged documents as they are the existing trustees and conducted Board Meeting on



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27.12.2018 and in that, they appointed themselves as President and office bearers of the trust and assumed office from 15.01.2019. On 15.02.2019, they inducted the sixth respondent herein along with two others as trustees. They have no locus standi either to conduct meeting on 27.12.2018 or to induct trustees on 15.02.2019.

e) Be that so, the suit in O.S.No.300 of 2019 was filed by the fourth respondent before the District Court, Tiruppur which was dismissed on 18.10.2023 against which he filed an appeal and the same was also dismissed by this Court. Aggrieved over the same, he filed SLP No.4205 of 2024 which was disposed on 26.02.2024. In the meantime, petitions in W.P.No.3457 of 2024 and CrI.O.P.No.3619 of 2024 were filed by the fourth and fifth respondents seeking police protection, but however the same were also dismissed. Since the fourth respondent made a petition to the second respondent on 02.05.2024, the rival parties were called by the District Educational Officer through notice dated 08.08.2024 and after enquiry, the suggestion was made to the Government to appoint a Special Officer for proper administration of the school considering the welfare of the students, as well as the teachers. The Government passed G.O.(Ms) No.216, School Education Department, dated 03.10.2024 to appoint a



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Special Officer and the second respondent through his proceedings appointed the District Educational Officer, Tiruppur as Special Officer through proceedings dated 07.10.2024.

4. Aggrieved over the same, the petitioner has come forward with the present Writ Petition.

5. The learned Senior counsel appearing on behalf of the petitioner submitted that the present School Committee has taken over the administration only during the month of March 2024 and from March 2024 to till date, there is no mal-administration or misappropriation of funds committed by the School Committee and the School Committee has not wilfully failed to discharge any of the duties imposed on or to perform any of the functions entrusted to them by or under the provisions of Tamil Nadu Private Schools (Regulation) Act, 2018 [hereinafter referred to as "the Act"]. He further submitted that no opportunity of making representation was given to the school by the official respondents before appointing a Special Officer to manage the School as envisaged under Section 31 of the Act. He contended that the order impugned dated 03.10.2024 is in violation to the principles of natural justice as neither show cause notice was issued



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nor enquiry was conducted. He drew the attention of this Court to the decisions of the Hon'ble Supreme Court in the case of **Maneka Gandhi Vs. Union of India** reported in **AIR 1978 SC 597**, wherein it has been held that the government is bound to issue notice before appointing the Special Officer which view had been reiterated by the Hon'ble Apex Court in the case of **Swadeshi Cotton Mills Vs. Union of India** reported in **AIR 1981 SC 818**.

6. In furtherance, the learned Senior counsel argued that the order impugned is unsustainable on the ground of non issuance of notice and non furnishing of the DEO's report. He also vehemently urged that the Government had passed the G.O. Without considering the fact that all the civil litigations ended in favour of the petitioner, however they have highlighted the order passed by this Court in W.P.No.3457 of 2024 and Crl.O.P.No.3619 of 2024 wherein the learned Single Judge has observed for appointment of Special Officer as disputes prevailed between the trustees for smooth running of the School. He concluded by submitting that the impugned order is an abuse process of law, which is against provision of the Act and also in violation of Article 14 of the Constitution of India and hence, the same is liable to be set aside and prays this Court to allow the Writ Petition.



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7. Contentions put forth by the learned counsels appearing on behalf of the respondents:-

Counter affidavit has been filed by the third respondent which has been adopted by the first and second respondents herein.

7.1. The learned Government Advocate appearing on behalf of the third respondent submitted that the respondents 1 to 3 are not required to traverse into the disputes of the trustees in regard to the trusteeship. She submitted that as per the common order passed by the learned Single Judge of this Court in W.P.No.3457 of 2024 and Crl.O.P.No.3619 of 2024 in paragraphs 11 and 12, the second respondent submitted a proposal to the Government for appointment of Special Officer invoking Section 31 of the Act dated 20.08.2024. He added that on careful consideration and perusal of the proposal, as well as the pending litigations in this regard, the Government appointed the District Educational Officer (Private Schools), Tiruppur as the Special Officer to manage the school. She contended that the petitioner has misconceived the order of this Court dated 17.04.2024 as dismissed since no police protection has been extended as sought in the prayer and the order emphasised that miscreants shall not cause



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any disturbance to the peaceful administration of the school which is to be managed by the Special Officer so appointed by the State Government and contended that the petitioner is throwing false allegations on them as if the official respondents are favouring their rival parties. She stressed that as per the order of this Court dated 17.04.2024 and adhering to the provisions of the Act, the Special Officer has been appointed by the Government to manage the school. For useful reference, the provisions of Section 31 of the Act is extracted hereunder:

"31. Appointment of Special Officer in certain circumstances.

(1)Where the competent authority is of the opinion that the school committee of any private school,-

(a)is responsible for the maladministration, misappropriation of funds and properties or lapses or irregularities, in such private school; or

(b)has wilfully failed to prevent unlawful activities in such private school or has been engaged in such activities affecting the security, sovereignty or integrity of the State or has given protection or aid to any group or organisation banned by the Government; or



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(c)has wilfully failed to discharge any of the duties imposed on or to perform any of the functions entrusted to such school committee by or under this Act, or any rule or order made thereunder, the competent authority shall, after giving such school committee an opportunity of making representation, for reasons to be recorded in writing, by an order suspend the school committee and appoint a person as special officer till the reconstitution of the school committee, in the interest of the pupil. The competent authority may also suspend the financial powers of the office bearers as an immediate measure, if it is deemed necessary.

(2)Where the appointment of a special officer is pending consideration of the Government, the competent authority may resort to direct payment.

(3)Where a special officer is appointed under sub-section (1),-

(a)the school committee shall cease to discharge the duties imposed on and to perform the functions entrusted to it; and

(b)the special officer shall take all such steps as may be necessary to efficiently manage and run the school in accordance with any law applicable to the private school in so far as such



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law is not inconsistent with this Act.

Explanation. - For the purposes of this section, the expression "law" includes any bye-law, rules, regulations, or instrument having the force of law.

Chapter-VII Appointment of Staff and their Conditions of Service."

7.2. She further argued that as per Section 31(3)(a) of the Act, as the Government appoints Special Officer to manage the school, the school committee will cease to exist but the petitioner along with their persons causing disturbances to the daily affairs of the school and creating chaos in the administration of the school and the special officer has filed reports dated 18.10.2024 and 25.10.2024, stating the challenges faced by him to the second respondent in managing the school. She highlighted the salient features of the aforesaid report namely, excess amount of fees in regard to books and notebooks were collected approximately to the tune of Rs.84 lakhs from the students; amount of Rs.5 Crores have been paid by the students for first term tuition fees and bus fees but however expenditure has been shown nearly to the tune of Rs.2 Crores and the remaining Rs.3 Crores have not been credited to the school bank account and the same were collected by the petitioner along with their member trustees, there are



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several disturbances from the former administrators, as well as Director, Principals and teachers of the school, who were misusing their powers and indulging in mal practices; they were forming two groups and preventing the proper functioning of the school both in the academic as well as administration and furthermore, on 25.10.2024, they prevented the Special Officer from conducting meeting and stopped his vehicle and threatened his driver and abused him in unparliamentary words which forced him to lodge a complaint before the Mangalam Police Station against the said persons namely, Sivagami and Anitha along with their allied teachers.

7.3. She further submitted that there is mal-administration and lot of misappropriation of funds of the school and also that the third respondent tries to manage the school smoothly in the academic activities as well as administration of the school. He continued that the petitioner is causing disturbance for the smooth handling of the school and also contended that the act of the petitioner to challenge the impugned Government Order passed by the first respondent in pursuance to the order of this Court is a clear contempt of Court order.



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7.4. The learned Senior counsel for the fourth respondent vehemently opposed this petition on the ground that the civil litigations are pending in regard to the running of the school by the rival parties of the trust and several cases were filed before this Court and the Hon'ble Supreme Court. He further contended that considering the disputes between the parties and keeping in mind, the welfare of the students and peaceful administration of the school, this Court passed an order on 17.04.2024 and in view of the said order, the District Educational Officer (Private Schools), Tiruppur/the third respondent herein was appointed as a Special officer to manage the school and the school is running smoothly now.

7.5. The learned Senior counsel also contended by highlighting the reports of the Special Officer dated 18.10.2024 and 25.10.2024 and reiterated the same in regard to misappropriation of funds such as excess amount collected against MRP for books and notebooks to the tune of Rs.84 lakhs; collection of first term tuition fees and bus fees around Rs.5 Crores where only Rs.2 Crores have been utilized for the school purpose and the balance amount of Rs.3 Crores have not been credited to the school bank account and the mischievous acts of



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Sivagami and Anitha along with their persons creating chaos in the school and preventing the Special Officer in discharging his duties in running the school smoothly. He further urged that the appointment of the Special Officer to a private self financing school is so far not done and hence, a standard operating procedure has to be issued by the School Education Department with regard to the duties and responsibilities of the Special Officer enabling effective implementation of G.O.(Ms) No.216, School Education (Ms) Department, dated 03.10.2024. In view of the aforesaid reasonings, the petitioner is not entitled to any relief as sought for in the prayer and hence, the petition has to be dismissed.

7.6. The learned counsel for the fifth respondent submitted that the fifth respondent is one of the trustees of the school, who have been inducted on the demise of his father. He contended that the petitioner, as well as the fourth respondent herein, indulged in mal administration and misappropriation of funds of the school under the guise of their trusteeship as President in their tenure. He added that in view of the rivalry between the trustees in regard to the management of the school, several litigations were filed and at this juncture, the learned Single Judge has passed a common order dated



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17.04.2024 in W.P.No.3457 of 2024 and CrI.O.P. 3619 of 2024, recommending the State Government of Tamilnadu to take over the entire administration of the school by citing several reasonable causes and genuine grounds, including the report of a Deputy Superintendent of Police, Palladam Sub Division, Tiruppur District and accordingly, the Government of Tamil Nadu took over the control and administration of the school by issuing the Government order No.216, School Education (Ms) Department, dated 03.10.2024.

7.7. He also drew the attention of this Court to para 11 of the common order dated 17.04.2024 passed by the learned Single Judge of this Court in W.P.No.3457 of 2024 and CrI.O.P.No.3619 of 2024 which clearly reflects that there is an apprehension of Parents Teachers Association to affect the education and future career of the students and the school would be severely affected, if the administration and management persist under the control of the existing trustees of the trust. He further submitted that the teachers are not allowed to teach the students and the students are kept idle for several months which will again affect them at large. He also contended that the securities of the students is still in question as the securities appointed by one portion of the trustees of the trust are



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being acted as per the order given by them and not in accordance with law. He submitted that the petitioner's school is governed by the Act with its Rules 2023 and the third respondent is an authority at the District level to monitor the entire administration and activities of the school, but however he filed reports dated 18.10.2024 and 25.10.2024 stating the challenges faced by him in discharging his duty. He also contended that the same condition cannot be continued forever and therefore, proper steps and severe action has to be taken to prevent mal administration and an auditor has to be appointed so as to identify the offender in respect of misappropriation of funds of the School and to place a trustworthy person to manage and administer the School. Therefore, he requested this Court to dismiss the petition.

7.8. The learned Senior counsel for the sixth respondent submitted that the sixth respondent herein being one of the trustees, who had managed the affairs of the school, taking into consideration of the interest of the students' education and welfare of the teachers, has impleaded himself in this petition. He also reiterated the averments made by the third respondent herein in regard to mal administration and misappropriation of funds and urged to appoint an auditor to establish the misconduct of the trustees concerned and insisted the



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authorities concerned to take action against the persons indulged in such activities. While summing up his arguments, he prayed this Court to issue necessary orders to set right the conditions for the well being and welfare of the students, as well as the employees of the school and dismiss the present petition.

8. Considered the rival submissions put forth by the parties on either side and also perused the entire materials available on record.

9. On a careful reading of the case, it is crystal clear that the rivalry between the parties have not come to an end and they all creating disturbances in order to prevent the smooth running of the School. Since the subject matter in question is not only about the management of the trustees but it involves the vital aspect of students' education, as well as their future career, which is cardinal for this Court in the interest and well being of the students and also for the welfare of the employees of the School. It is predominant for this Court to direct the respondents/authorities concerned to settle the disputes of the trustees amicably, as expeditiously as possible and create a good atmosphere for the students and employees of the School so as to impart education and serve the society which is the



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foremost object and purpose of the trust for which it has been established by its founder. After a detailed analysis and in order to remove the stumbling blocks and to create a good atmosphere in the School, I am of the view that the order passed by the first respondent shall remain intact taking into account the welfare of the students till the disputes in regard to management are settled between the rival parties. In view of the above discussions, the petitioner is not entitled to any relief as sought for in this petition and therefore, the Writ Petition is liable to be dismissed.

10. For the foregoing reasons and elaborate discussions, the Writ Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed. There shall be no orders as to costs.

30.01.2025

Index: Yes/No
Order: Speaking/Non-Speaking
NCC : Yes/No

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To

- 1.The Secretary,
Government of Tamilnadu,
Education Department,
Fort St.George,
Secretariat,
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- 2.The Direction of Private Schools.
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VIVEK KUMAR SINGH, J.

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PRE-DELIVERY ORDER MADE IN

W.P.No.31253 of 2024
and
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