



W.A.(MD) Nos.733 & 745 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Judgment	Date of Pronouncing the Judgment
09.01.2025	27.01.2025

CORAM:

**THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

**W.A.(MD) Nos.733 & 745 of 2021
and
C.M.P.(MD) Nos.3348, 4404 & 4406 of 2021**

W.A.(MD) No.733 of 2021:

S.P.Subramanian

... Appellant

-VS-

- 1.The Director of Elementary Education
Chennai-6
- 2.The District Elementary Educational Officer
Sivagangai District
Sivagangai
Now
The District Educational Officer
Gandhi Road
Devakottai-630 302
Sivagangai District



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3.The Assistant Elementary Educational Officer
Devakottai
Sivagangai District
Now
The Block Educational Officer
Ram Nagar
Devakottai-630 303
Sivagangai District

4.Ramathilagam

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 01.02.2021, passed in W.P.(MD) No.12913 of 2009, on the file of this Court.

For Appellant : Mr.K.K.Kannan

For Respondents : Mr.V.Om Prakash
Government Advocate for R1 to R3
No appearance for R4

W.A.(MD) No.745 of 2021:

S.P.Subramanian

... Appellant

-vs-

1.The Director of Elementary Education
Chennai-6

2.The District Elementary Educational Officer
Sivagangai District
Sivagangai
Now

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The District Educational Officer
Gandhi Road
Devakottai-630 302
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3.The Assistant Elementary Educational Officer
Devakottai
Sivagangai District
Now
The Block Educational Officer
Ram Nagar
Devakottai-630 303
Sivagangai District

4.S.P.Kaliammal

5.Vasanthai

6.Muthulakshmi

7.Selvambal

8.Mangaiyarkarasi

9.Thilagavathi

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 01.02.2021, passed in W.P.(MD) No.4374 of 2011, on the file of this Court.

For Appellant : Mr.K.K.Kannan

For Respondents : Mr.V.Om Prakash
Government Advocate for R1 to R3
No appearance for R4, R5, R6, R8 & R9
R7 – Died (memo filed)



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J U D G M E N T

RMT.TEEKAA RAMAN, J.

Since both the writ appeals are relating to the rival claims made by S.P.Subramaniam and Ramathilagam, both the writ appeals were taken up together, common arguments were heard and a common Judgment is being passed.

2. The subject matter of the writ appeals is with regard to the approval of the Educational Agency of the School, namely, Muthathal Middle School, Devakottai.

3. The order of the District Elementary Educational Officer, Sivagangai, dated 24.11.2009, approving the appellant as educational agency was under challenge in the writ petitions in W.P.(MD) Nos.12913 of 2009 filed by Ramathilagam and 4374 of 2011 filed by S.P.Kaliammal and others.

4. The main grievance of those writ petitioners is that principles of natural justice have not been followed.



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5. According to these writ petitioners, the appellant herein claiming him as the sole surviving legal heir, had not included the other legal heirs, namely, the writ petitioners in the administration of the school. He claimed right over the school management based on the Will executed by his father. However, the said Will dealt with all the properties of the testator, which includes the school management. Despite the same, the other legal heirs were specifically ousted from inheritance. The said Will was executed in the year 2000 and the testator died only in the year 2006. In the said Will, the two sons of the testator were given the management of the school. One of the sons died. Therefore, on the basis of the Will, the appellant, who is the sole surviving son, applied for transfer of school management and got the management of the school pursuant to the order passed by this Court in W.P.No.39170 of 2002.

6. It remains to be stated that W.P.(MD) No.12913 of 2009 was filed by one Ramathilagam. Based upon a Will, she claims $\frac{1}{2}$ share in the school management and it is also admitted that along with the other writ petitioners in W.P.(MD) No.4374 of 2011, she was also included as Secretary of the School.



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7. By the order, dated 24.11.2009, impugned in the writ petitions, the Education Department has given the educational agency to the contesting respondent / appellant herein.

8. The writ petitioner Kaliammal is the mother of all the persons. Vasanthi and Muthulakshmi are sisters. Selvammal, Mangayarkarasi and Thilagavathi are the other branches. Ramathilagam, who is the petitioner in W.P.(MD) No.12913 of 2009, is the wife of the appellant's brother.

9. The Honourable Supreme Court in ***Swamy Atmananda & others vs Sri Ramakrishna Tapovanam & others***, reported in **(2005) 10 SCC 51**, has held that the authority under the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973 can recognize or transfer the management on the basis of the available evidences and documents. The authority cannot decide the rival contentions and claims. Any person aggrieved by the order of the authority has to establish their right and claim in a civil forum and cannot challenge the order of the authority.



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10. By the impugned order in the writ petitions, the educational authorities have given the power of disbursing the amount to the appellant herein, namely, S.P.Subramaniam. There is a rival contention with regard to the legal heirship of the School Management. While Ramathilagam claims $\frac{1}{2}$ share in the school management, based upon a Will, there was another claim by the other legal heirs of the founder of the school to run the school, which resulted in filing of W.P.(MD) No.4374 of 2011, wherein the said Ramathilagam, who is the writ petitioner in W.P.(MD) No.12913 of 2009, was included as a Secretary.

11. Pending the present writ appeals, developments have been taken place. In view of the rival claims between the parties, the educational authorities have now made it clear that the salaries for the teaching and non-teaching staff be directly paid by the Government and to that effect, the proceedings of the District Elementary Educational Officer, Sivagangai, dated 28.07.2006, and also the subsequent proceedings of the District Educational Officer (Elementary Education), dated Sivagangai, dated 09.01.2025, passed on 09.01.2015, were produced before us.



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12. Now that the direct payment mode has come into effect. Therefore, we find that nothing can be gone into in this matter, since the educational authorities, in the larger interest of the school, have thought it fit for direct payment mode, instead of appointing one member of the rival group, which is acting against the another group by claiming share in the management of the school.

13. Hence, we find that the order passed by the learned Single Judge directing the parties concerned to work out their remedy before the competent Civil Court with regard to the administration of the school, since there is a rival claim between the parties, does not warrant any interference of this Court.

14. Since direct payment mode has been given effect to for the teaching and non-teaching staff of the school, we find that nothing survives for consideration in the present writ appeals and no further order is required on the plea of who has to be appointed as educational agency for the purpose of receiving the grant from the Government and to disburse the same as salary as well as other benefits to the teaching and non-teaching staff. Therefore, the



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parties are at liberty to work out their remedy before the competent civil forum.

15. With the above observations, these writ appeals are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[T.K.R., J.] [N.S., J.]

27.01.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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W.A.(MD) Nos.733 & 745 of 2021

RMT.TEEKAA RAMAN, J.
AND
N.SENTHILKUMAR, J.

krk

COMMON JUDGMENT
IN
W.A.(MD) Nos.733 & 745 of 2021
and
C.M.P.(MD) Nos.3348, 4404 & 4406 of
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27.01.2025