



W.A(MD) No.850 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 03.06.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.A(MD) No.850 of 2025

&

C.M.P.(MD)Nos.5650 & 5652 of 2025

&

C.M.P.(MD)No.8077 of 2025

Siva Nursery and Primary School
Rep. by its Correspondent,
K.Ganapathy Subramanian,
No.340, Cheranmahadevi Road,
Pettai,
Tirunelveli District.

... Petitioner / Appellant

Vs

1.The Director,
Tamil Nadu Private Schools,
Chennai.

2.The District Education Officer (Private Schools)
Tirunelveli District,
Tirunelveli.

3.Salai Kumar

4.Poththaiya Muppanar

... Respondents / Respondents



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 04.03.2025 made in W.P.(MD)No. 20517 of 2024 on the file of this Court and allow the writ appeal as prayed for.

For Appellants : Mr.Isaac Mohanlal
Senior Counsel
for M/s.Ajmal Associates

For Respondents : Mr.C.Venkatesh Kumar
Additional Government Pleader
for R1 & R2

: Mr.R.Krishna Kumar
for R3

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The appellant is a nursery and primary school. It is stated that it has been enjoying recognition right from the year 1982. The recognition was in force upto December 2025. In the meanwhile, based on the complaint given by the third respondent herein (Thiru.Salai Kumar), the

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first respondent issued the proceedings dated 13.08.2024 calling upon the District Educational Officer (Private Schools), Tirunelveli to cancel the recognition accorded in favour of the appellant. Challenging the same, the appellant filed W.P.(MD)No.20517 of 2024. The learned single Judge vide order dated 04.03.2025 dismissed the writ petition. Challenging the same, this writ appeal came to be filed.

3. We consciously refrain from going into the factual aspects. Suffice it to say that the order dated 13.08.2024 which is adverse to the appellant was passed without putting the appellant on notice. There is a violation of the principles of natural justice. On this sole ground, the order impugned in the writ petition stands quashed. Since we are interfering only on this technical ground, it is only just and proper that the matter is remitted to the file of the authority. It is admitted by both sides that the authority competent to grant recognition is only the second respondent and not the first respondent. The first respondent is only the appellate authority. Therefore, we remit the matter to the file of the second respondent. The second respondent will issue notice to both the parties and after due enquiry, pass an appropriate order on merits and in



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accordance with law. The second respondent will not in any way be influenced by the proceedings dated 13.08.2024 issued by the first respondent which has already been quashed. The contentions of both the parties are left open. The order of the learned single Judge is set aside.

4. The Writ Appeal is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S., J.) (K.R.S., J.)
03.06.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
rmi

To

1.The Director,
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