



W.A.(MD) Nos.543, 1530 of 2019 & 76 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.A.(MD) Nos.543, 1530 of 2019 & 76 of 2020
and
C.M.P.(MD) Nos.4588 of 2019 & 610 of 2020**

W.A.(MD) No.543 of 2019:

N.Vasu

... Appellant

-vs-

1.K.Rajaram
Educational Agency
Pangajam Middle School
Bodinayakkanur, Theni District

2.The District Elementary
Education Officer
Theni District, Theni

3.The Assistant Elementary
Education Officer
Bodinayakkanur, Theni District

4.P.Nandhakumaran
[R4 is impleaded as per the common
order dated 21.01.2025 made in C.M.P.
(MD) Nos.519, 521 & 523 of 2025]

... Respondents



W.A.(MD) Nos.543, 1530 of 2019 & 76 of 2020

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 04.03.2019, passed in W.P.(MD) No.11731 of 2018, on the file of this Court.

For Appellant : Ms.Nivithaa Joshi
for M/s.Isaac Chambers

For Respondents : Mr.T.Lajapathi Roy, Senior Counsel
for Mr.C.Sundaravadivel for R1
Mr.J.Ashok
Additional Government Pleader for R2 & R3
Mr.S.Meenakshisundaram, Senior Counsel
assisted Mr.M.Saravanakumar for R4

W.A.(MD) No.1530 of 2019:

K.Rajaram

... Appellant

-vs-

1.The District Elementary
Educational Officer
Theni, Theni District

2.The Assistant Elementary
Educational Officer
O/o.Assistant Elementary
Educational Office
Bodinayakkanur, Theni District

3.N.Vasu

4.P.Nandhakumaran
[R4 is impleaded as per the common
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... Respondents



W.A.(MD) Nos.543, 1530 of 2019 & 76 of 2020

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For Appellant : Mr.T.Lajapathi Roy, Senior Counsel
for Mr.C.Sundaravadivel

For Respondents : Mr.J.Ashok
Additional Government Pleader for R1 & R2
Ms.Nivithaa Joshi
for M/s.Isaac Chambers for R3
Mr.S.Meenakshisundaram, Senior Counsel
assisted Mr.M.Saravanakumar for R4

W.A.(MD) No.76 of 2020:

K.Rajaram

... Appellant

-vs-

1.The District Elementary
Educational Officer
Theni District, Theni

2.The Assistant Elementary
Educational Officer
Bodinayakkanur, Theni District

3.S.Radhika

4.N.Vasu

5.P.Nandhakumaran
[R5 is impleaded as per the common
order dated 21.01.2025 made in C.M.P.
(MD) Nos.519, 521 & 523 of 2025]

... Respondents



W.A.(MD) Nos.543, 1530 of 2019 & 76 of 2020

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 04.03.2019, passed in W.P.(MD) No.3403 of 2017, on the file of this Court.

For Appellant : Mr.T.Lajapathi Roy, Senior Counsel
for Mr.C.Sundaravadivel

For Respondents : Mr.J.Ashok
Additional Government Pleader for R1 & R2
Mr.H.Thayumanaswamy for R3
Ms.Nivithaa Joshi
for M/s.Isaac Chambers for R4
Mr.S.Meenakshisundaram, Senior Counsel
assisted Mr.M.Saravanakumar for R5

C O M M O N J U D G M E N T

[Judgment of the Court was made by S.M.SUBRAMANIAM, J.]

The present intra-court appeals have been instituted challenging the common writ order dated 04.03.2019, passed in W.P.(MD) Nos.3403 of 2017 & 11731 of 2018.

2. Admittedly, a dispute with regard to management of a school exists between the parties to the *lis*. The rival groups claim right to manage the affairs of the school based on the agreement entered into between them.



3. The learned Single Judge considered the origin of the dispute and also formed an opinion that the sale transactions between the parties are null and void.

4. One of the conditions raised by Mr.S.Meenakshi Sundaram, learned Senior Counsel that the sale deed is null and void in view of Section 31 of the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973.

5. However, it is disputed by Mr.T.Lajapathi Roy, learned Senior Counsel, appearing for the other group that there is no relief sought for to set aside the sale deed in the writ petition and therefore, the excessive relief granted by the Writ Court beyond the scope of the writ petition would cause prejudice to the interest of the parties.

6. Mr.J.Ashok, learned Additional Government Pleader appearing for the Department would submit that sofar, the Department has not adjudicated the dispute on merits nor a final decision has been taken by the competent authority under the Act. However, noting the management dispute,



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direct payment order was passed by the Education Department and that is also disputed by Mr.S.Meenakshi Sundaram, learned Senior Counsel, by stating that salary is being paid by the Management of the school.

7. The complex nature of the facts adjudicated by the Writ Court shows that the disputed facts between the parties should have been effectively adjudicated by the competent authority under the Act. The Writ Court, in exercise of the power of judicial review under Article 226 of the Constitution of India, cannot conduct a roving enquiry into the disputed facts of this nature. That is only the reason why the Constitutional Courts have time and again reiterated that alternative remedy contemplated under the Act has to be exhausted at the first instance by the parties before approaching the High Court under Article 226 of the Constitution of India.

8. The power of judicial review is to ensure that the process through which a decision has been taken inconsonance with the Acts and Rules, not the decision itself. In the event of adjudication of merits in the writ proceedings, there is a likelihood of causing prejudice to either of the parties, since the original document is not placed nor trial nature proceedings are not



conducted in the writ proceedings. However, the factual findings of the original authority and the appellate authority under the statute would be of greater assistance to the Writ Court to exercise the power of judicial review in an effective manner.

9. Though the respective learned Senior Counsels and the learned Additional Government Pleader articulated the facts before this Court to understand the nature of the dispute, it requires an adjudication with reference to the documents and evidence available on record, since it is a management dispute pertaining to an educational agency.

10. As of now, the service conditions of the teachers are protected and the school is also running in a peaceful manner. Therefore, there is no impediment for the rival groups to adjudicate the management dispute in order to resolve the same once for all before the competent authority and thereafter, before the appellate authority / Tribunal, as the case may be under the provisions of the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973.



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11. In view of the facts and circumstances of the case, the common writ order dated 04.03.2019, passed in W.P.(MD) Nos.3403 of 2017 & 11731 of 2018, is set aside. The parties are at liberty to approach the competent authority under the provisions of the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973, and exhaust all the remedies under the said Act. The competent authority, on receipt of the petition from either of the parties or from both the parties, shall entertain the same, adjudicate the issues by affording an opportunity to all the parties and dispose of the same on merits and in accordance with law, as expeditiously as possible, without being influenced by any of the observations made by the Writ Court in the common order, which has been set aside in the present writ appeals on hand.

12. Accordingly, all the writ appeals are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S., J.]

[A.D.M.C., J.]

18.06.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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- 2.The Assistant Elementary
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