



W.P.(MD)No.16066 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.11.2025

CORAM:

THE HON'BLE MS.JUSTICE P.T.ASHA

W.P.(MD).No.16066 of 2025

and

W.M.P(MD)Nos.12160 and 12162 of 2025

The Correspondent,
Aided Higher Secondary School,
Arumanai - 629 151,
Kanyakumari District

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George,
Chennai 600 009 .
2. The Director of School Education,
College Road,
Chennai 600 009.
3. The Chief Educational Officer,
Nagercoil,
Kanyakumari District.
4. The District Educational Officer,
Marthandam Educational District,
(Secondary Education),
Marthandam,
Kanyakumari District.
5. S. JeyaSreeKumar
6. Sheila Sekar
7. S. Premjith



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8. S.S. Vishnu Priya
9. S.S. Priyadarsini
10. S. Prathiba
11. S.Sreeela
12. Gopakumar

... Respondents

(R12 is impleaded vide court order dated 09.10.2025 in WMP(MD)No. 14725 of 2025 in WP(MD)No.16066 of 2025 by PTAJ)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the Impugned order passed by the 4th respondent DEO in Na.Ka.No.5362/A5/2024 dated 10.03.2025 and the sequential order passed by the 3rd respondent CEO in Na.Ka.No. 7797/AA4/2022 dated 22.03.2025 quash the same as illegal and further direct the 3rd and 4th respondent to register forthwith S.Kishore Chand as the correspondent of the petitioner school w.e.f 31.07.2023 and pass such further or other suitable Order / Orders as this Honble Court may deem fit and proper in the circumstances of the case, and thus render Justice.

For Petitioner : Mr.Isaach Mohanlal
Senior Counsel
for M/s.Isaac Chambers

For R1 to R4 : Mr.P.T.Thiraviyam
Government Advocate

For R5 & R11 : Mr.M.R.Srinivasan

For R6 to R9 : Mr.Thayumanasamy



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ORDER

The above writ petition has been filed for the following relief:-

“Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the Impugned order passed by the 4th respondent DEO in Na.Ka.No.5362/A5/2024 dated 10.03.2025 and the sequential order passed by the 3rd respondent CEO in Na.Ka.No. 7797/AA4/2022 dated 22.03.2025 quash the same as illegal and further direct the 3rd and 4th respondent to register forthwith S.Kishore Chand as the correspondent of the petitioner school w.e.f 31.07.2023 and pass such further or other suitable Order / Orders as this Honble Court may deem fit and proper in the circumstances of the case, and thus render Justice.”

2. The case of the petitioner as set out in the affidavit filed in support of the writ petition are as follows:-

The petitioner school, namely Aided Higher Secondary School, Arumanai, hereinafter referred to as a 'school', is a recognized Malayalam Linguistic Minority Institution. The school was founded by one T. Sekhara Pillai in the year 1942 as a middle school. Thereafter, it was upgraded as a higher school in the year 1960 and a higher secondary school in the year 1982. The school offers education from standards VI to XII. The medium



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of instruction is Tamil Language and English language. Earlier, the medium of instruction was Malayalam Language. Thereafter, due to the change in the Government Policy after introducing the Tamil Learning Act, the takers for Malayalam Medium have reduced and as of date there is no student in the Malayalam Medium Section. At present, there are 350 students in the school.

3. The petitioner would submit that the school has sanctioned for one Headmaster, 11 P.G. Assistants, 1 Physical Director, 1 Vocational instructor, 4 B.T. Assistants (Tamil), 8 B.T. Assistants in other subjects, 2 Secondary Grade Teachers, 1 Physical Educational Teacher, and five other non-teaching staff viz., 1 Junior Assistant, 1 Lab Assistant, 1 Office Assistant, 1 Watchman, 1 Sweeper, and four special teachers viz., 1 Agriculture, 1 Drawing, 1 Sewing, and 1 Music.

4. The petitioner would submit that the school is providing education free of charge. No fee or charges whatsoever are collected from the children except the small sum specified by the Government and admission is not denied on the basis of caste, creed, or religion. The school



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was being administered initially by the founder, late T. Shekhara Pillai. On his demise on 05.01.2002, the petitioner's mother, namely Saraswathi Amma, was administering the school. She had created a Trust called the T. Shekhara Pillai Memorial Educational and Cultural Development Trust, hereinafter referred to as 'Trust', on 19.12.2006 and registered the same on 25.01.2007. All the six children of the late T. Sekhara Pillai were made Trustees. By a majority decision of the Trustees, the oldest male Trustee, namely S. Jeyasree Kumar, was nominated as a Correspondent of the school and he continued to administer as Correspondent with the approval of the Education Department.

5. Thereafter, a dispute arose in respect of the administration of the school between the petitioner's mother, B. Saraswathi Amma and his elder brother S. Jeyasree Kumar. The petitioner would submit that his mother had challenged the order passed by the District Educational Officer, Kuzhithurai, dated 07.08.2015, registering the petitioner's elder brother S. Jeyasree Kumar as Correspondent, by way of a writ petition in W.P(MD)No.14303 of 2015.



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6. During the pendency of the writ petition, the petitioner's brother was in possession and administration of the school. The writ petition was allowed by an order dated 07.09.2022, against which the petitioner's brother S. Jeyasree Kumar had filed W.A.(MD)No.1170 of 2022, and the same is pending.

7. Meanwhile, the petitioner's mother had revoked the Trust without the consent of the other Trustees. Therefore, her older brother Jeyasree Kumar had challenged the same in O.S.No.126 of 2016 on the file of the learned District Munsiff, Kuzhithurai.

8. In light of the disputes between the parties, the District Educational Officer, Marthandam, by a proceedings dated 12.01.2023, brought the school under direct payment. In the meantime, the petitioner's mother passed away on 11.04.2023. Since there was a difficulty in administration, the school, in view of the Direct Payment, the petitioner's elder brother had convened a meeting with all the legal heirs by a letter dated 19.07.2023. The elder sister, Mrs. Mirdula Kumari, objected to the



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same and demanded a partition of her 1/6th share. Out of the 6 legal heirs, 4 participated and 2 remained absent. Mrs. S. Mirdula Kumari remained absent, and the other, Mr. S. Premjith, expressed full support from the meeting. The meeting itself was fixed for nominating the Correspondent and for the administration of the school. In the meeting, the petitioner was nominated as the Correspondent of the school, which was immediately informed to the other legal heir, Mr. S. Premjith, who had not attended the meeting.

9. In light of the unanimous decision, the petitioner got nominated as Correspondent, to which post he assumed office on 31.07.2023 and continues to administer the school. A necessary proposal for registering the petitioner as Correspondent was made to the 3rd respondent, requesting him to revoke the direct payment imposed on the school. Since there was no response, the petitioner filed W.P(MD)No.23703 of 2025, seeking a direction to the 4th respondent District Educational Officer to pass orders on the proposal dated 31.01.2023 for registering S. Kishore Chand as Correspondent of the school. The writ petition was disposed of by an order dated 31.07.2023, giving a direction to the respondents 3 and



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4 to pass orders. Since the order was not complied with, the petitioner was constrained to initiate contempt proceedings.

10. The District Educational Officer conducted an enquiry with the legal heirs of T. Shekhara Pillai. The said Mrs. Mrithulakumari, elder daughter, had filed a suit in O.S.No.287 of 2023 on the file of the Additional District Judge, Kuzhithurai, at Kanyakumari District, seeking a preliminary decree of partition of her 1/6th share. Pending the suit, Mrs. Mrithulakumari died, and the two legal heirs were substituted as legal heirs. One of the reliefs sought for in the suit is for an appropriate arrangement for administration. While these proceedings were on, the request of the petitioner to recognize him as the Correspondent was refused by the District Educational Officer. Therefore, the petitioner is before this Court seeking the above referred prayer.

11. The 5th respondent, namely Jeya Sree Kumar, had filed a suit in O.S.No.126 of 2016 for a partition of the suit properties and for these reasons, the respondent District Educational Authorities decided to bring the school under direct payment. The petitioner had convened the meeting



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of all the legal heirs on 28.07.2023. The 5th respondent would submit that the meeting itself was convened only for the purpose of finalizing the Correspondent, and no other subject was discussed. At the meeting, the parties had agreed to nominate the petitioner, the brother of the 5th respondent, as Correspondent of the school, and this decision was taken unanimously. He would also question the impugned order, which has been passed when the suit for partitions was pending, and sought dismissal of the writ petition.

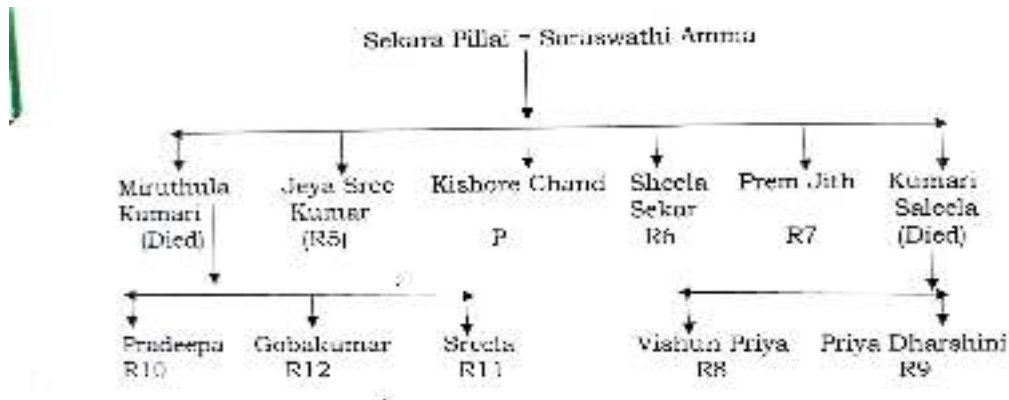
12. The 4th respondent would attempt to substantiate the impugned order by contending that the Trust Deed did not contain a clause for the appointment of the Trust Member as Correspondent and Manager of the school. He would further contend that unless the statutory provisions of the Tamil Nadu Private Schools (Regulations) Act, 1973, Section 8 of the Tamil Nadu Recognized Private Schools (Regulations) Act, 1973, and Rule 7 of the Tamil Nadu Recognized Private Schools (Regulations) Rules are followed, the appointment is invalid.



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13. It is the contention of this respondent that the nomination of the petitioner was void by reason of the Trust Deed. The Trust has nothing to do with the already existing school. The petitioner's mother was the author of the Trust Deed and Supplementary Trust Deed. Since there is a conflict in the administration of the institution, the present claim of the petitioner is totally unacceptable, and therefore, the writ petition has to be dismissed.

14. Before proceeding to discuss the writ petition, the following genealogy has to be extracted:-



15. A mere look at the genealogy would indicate that out of 12 legal heirs of T. Shekhara Pillai and Saraswathi Ammal, it was only two persons of one branch who were against the 5th respondent taking even charge of



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the petitioner's Correspondent. Their sister, the 11th respondent, had endorsed her approval for the appointment of the petitioner.

16. The main ground on which the impugned order has been passed is that there are several litigations pending between the parties, and therefore, as per Section 56(2), till the decision of the Civil Court on the dispute referred to the Government nominated an officer to discharge the functions of the Educational Agency. Therefore, it has to be examined if the suits that are pending would in any way be an embargo to the approval being granted for the Correspondent shift of the petitioner.

17. The suit in O.S.No.126 of 2016 is filed challenging the cancellation of the trusts by Saraswathi Amma. O.S.No.187 of 2023 is filed by the 5th respondent for partition. Similarly, O.S.No.287 of 2023 is filed by the deceased sister of the petitioner, Mridula Kumar, for partition of the parties.



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18. None of which relates to the Educational Agency. The Educational Agency was originally founded by T. Sekhara Pillai and his wife. After their demise, all the children became entitled to a part of the Educational Agency. The majority of these legal heirs have approved the petitioner as the Correspondent/Educational Agency, and this cannot be brushed aside by the authorities. Further, an Educational Agency need not necessarily consist of multiple persons, but a single person can also be included under a society, Educational Act, or body corporate under the Act. In the event of any dispute falling within Section 53A, it would also include the Company Act.

19. The Hon'ble Supreme Court in the case of **Swamy Atmananda and Others vs. Sri Ramakrishna Tapovanam and Others**, reported in (2005) 10 SCC has stated as follows:-

“21. In its plaint, Tapovanam extensively referred to the factum of institution of the earlier suit and also the concession of the first appellant herein to the effect that all the documents stood in its name. It was categorically stated that all the contentions of the appellants had been rejected holding that Tapovanam alone was the owner, founder and educational agency in respect of all the educational institutions and the first gappellant herein was only its agent, correspondent and person in charge. The purported



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assignments made by the first appellant herein in favour of the other appellants in relation to certain lands were questioned, inter alia, on the premise that in the earlier suit such assignments had been found to be invalid and the first appellant herein had been acting on behalf of Tapovanam in a fiduciary capacity and had no independent right in himself. In the said suit, the following reliefs were claimed:

- (a) Holding that the plaintiff is the absolute owner of the suit properties and educational agency with respect to the suit institutions described in Schedule A and the properties in Schedule B and for a consequential relief of possession and directing the first defendant to hand over charge relating to the suit institutions and properties described in Schedules A and B;*
- (b) Directing the first defendant to render a true and proper account with regard to the income from the suit properties for the last three years and till he actually hands over charge;*
- (c) Granting a permanent injunction restraining the first defendant from interfering with the right of the plaintiff to manage the suit institutions and properties described in Schedules A and B or collecting any amounts for and on behalf of the suit institutions either projecting himself as the founder, secretary or correspondent or in any other capacity;*
- (d) Granting such further or other reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case and render justice.*

22. The fact giving rise to the cause of action for the said suit is stated in para 19 of the plaint and one of the facts constituting cause of action was said to be the dismissal of the earlier suit and on subsequent dates when the first appellant refused to hand over the collections made illegally in respect of the suit institutions in spite of the judgment of the court.



23. *Osborne's Concise Law Dictionary* defines "cause of action" as the fact or combination of facts which give rise to a right or action. In *Black's Law Dictionary* it has been stated that the expression cause of action is the fact or facts which give a person a right to judicial relief. In *Stroud's Judicial e Dictionary* a cause of action is stated to be the entire set of facts that give rise to an enforceable claim; the phrase comprises every fact which, if traversed, the plaintiff must prove in order to obtain judgment.

24. *A cause of action, thus, means every fact, which, if traversed, it would be necessary for the plaintiff to prove in order to support his right to a judgment of the court. In other words, it is a bundle of facts which taken with f the law applicable to them gives the plaintiff a right to relief against the defendant. It must include some act done by the defendant since in the absence of such an act no cause of action can possibly accrue. It is not limited to the actual infringement of the right sued on but includes all the material facts on which it is founded.*

25. *The status of the first appellant vis-à-vis Tapovanam was, thus, the g subject-matter of determination in the earlier suit. A finding as regards relationship between the parties rendered in the said suit is binding upon the first appellant herein. Similarly, the finding to the effect that the second appellant was constituted illegally and did not derive any right, title or interest over any property standing in its name is also binding upon the appellants."*

20. The contesting parties have not obtained any orders from the Civil Court and therefore, the impugned orders dated 10.03.2025 and 22.03.2025 is set aside.



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21. Accordingly, the writ petition is allowed. The impugned order is set aside and the respondents are directed to register the petitioner as correspondent of the petitioner is nominated from 31.07.2023. No costs. Consequently, connected miscellaneous petitions are closed.

25.11.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm

To

1. The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George,
Chennai 600 009 .
2. The Director of School Education,
College Road,
Chennai 600 009.
3. The Chief Educational Officer,
Nagercoil,
Kanyakumari District.
4. The District Educational Officer,
Marthandam Educational District,
(Secondary Education),
Marthandam,
Kanyakumari District.



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and
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