



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-06-2026

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THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 16930 of 2018

and

WMP No.20147 of 2018

M/s.Sri Venkatakrisna Higher
Secondary School,
Rep. by its Secretary Mr.K.V.Krishnamurthy,
Kaniyur, Madathukulam,
Tiruppur.

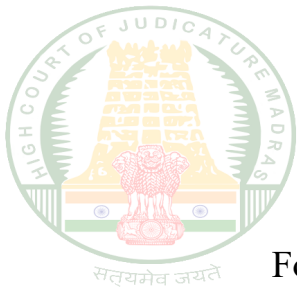
..Petitioner

Vs

1. The Assistant Director (Audit)
Rural Development, Tiruppur.
2. Block Development Officer,
Office of the BDO, Tiruppur.
3. The District Collector,
Collectorate, Tiruppur.641 604.
(R3 was impleaded as per Order dated
14.03.2025 In WMP No.6312/2025)

..Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records of the 1st respondent with respect to the letter dated 15.06.2018 in Na.Ka. No.767/ 2018/A2 and quash the same as being illegal, arbitrary and malicious.



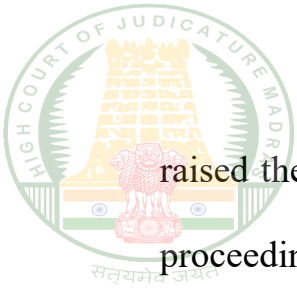
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For Petitioner: M/S.Ananda Gomathy

For Respondents: Mr.P.Siddarth
Government Counsel**ORDER**

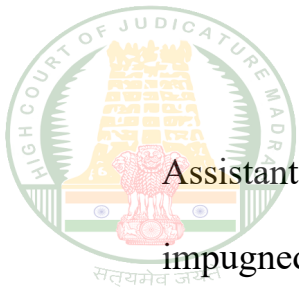
This petition has been filed challenging the order of the first respondent dated 15.06.2018 and seeking to quash the same.

2.The case of the petitioner is that the petitioner school was established in 1898 and has been functioning for the last 120 years. It has been adjudged as one of the best rural schools and has a student strength of 2200 students. The school is a Government aided institution and fully aided by the Government. Whiles, during the academic year 2003-2004, the alumni of the school and the Parent-Teacher Association held a meeting and thereafter approached the District Collector, Coimbatore. The District Collector suggested that the school could construct additional classrooms under the Self-Sufficiency Scheme, under which 25% of the construction cost would be contributed by the school and the remaining 75% would be contributed by the Government. Accordingly, the Alumni Association and the Parent-Teacher Association joined together and



raised the required contribution amount. Thereafter, the District Collector, by proceedings dated 26.11.2004, sanctioned the construction of three additional classrooms. Out of the total cost of construction, 25% was contributed by the Alumni Association and the Parent-Teacher Association while the remaining 75% was contributed by the Government. The construction work was executed by the Government through the second respondent with the assistance of the engineers of the Rural Development Department. At any point of time, the school did not receive any portion of the funds in its account. The 25% contribution raised by the Alumni Association and the Parent-Teacher Association was directly remitted to Rural Development Department, and the remaining 75% of amount was provided by the District Collector to the said Department. Therefore, the aided school management was not involved in any construction activity.

2.1. The entire project was undertaken by the Government and the entire cost of construction was paid by the District Administration to the Rural Development Department. Thereafter, in the year 2008, one Mr. Radhakrishnan Iyer lodged a police complaint against the then Head Master of the school, alleging that he had unlawfully obtained funds from the District Rural Development Agency by representing that the school was eligible for assistance under the scheme, despite being a Government-aided School, and had thereby misused the funds. Based on the complaint, the first respondent, namely, the



Assistant Director (Audit), Rural Development, Tiruppur has passed the impugned order dated 15.06.2018 directing the school management to refund the amount received under the scheme. The said order was passed after a lapse of nearly fourteen years from the date of sanction and completion of the construction work. Aggrieved by the said order, the petitioner has filed the present writ petition.

3.The learned counsel appearing for the petitioner would submit that admittedly the District Collector had sanctioned the funds on 16.09.2004 , 26.11.2004 and 04.07.2005 respectively, based on the estimates furnished by the Rural Development Department. Out of the total project cost, 25% was contributed by the Alumni Association and the Parent-Teacher Association, while the remaining 75% was sanctioned and released by the District Administration. The learned counsel would further submit that, till date, the District Collector has not passed any order cancelling or recalling the sanctions granted earlier. In the absence of any such order by the District Collector, the first respondent has no authority or jurisdiction to pass the impugned order directing the petitioner to refund the amount sanctioned under the scheme. It is further contended that the impugned order has been passed without jurisdiction and is therefore liable to be set aside. On the above grounds, the present writ petition has been filed challenging the impugned order.



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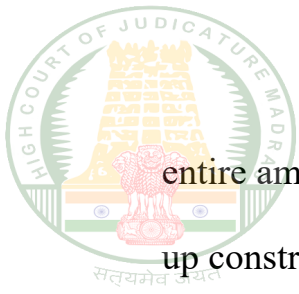
4. Per contra, the learned Government counsel appearing for the respondents filed a counter affidavit, wherein paragraphs 5, 6, 8, 9 state as follows:

Paragraph 5:

It is true that the Parent Teachers Association of the school had represented to the District Collector, Coimbatore for provision of funds to put up additional building for accommodating the students by availing the Self-sufficiency scheme promulgated by the Government. It is also true that as per the scheme, 25% of the construction could be met by the school and the remaining 75% of the cost construction would be borne by the Government under the said scheme.

Paragraph 6:

The averments contained in para 5 and 6 of the affidavit filed in support of the writ petition are admitted. The District Collector sanctioned and released funds to the school for construction of 3 additional class rooms on 26.11.2004. Further, sanction of the funds were also released by the District Collector for construction of additional class rooms and separate toilet for girl students. It is equally true that the construction of the building was entrusted to the Engineers of the Rural Development Department as envisaged under the scheme and the

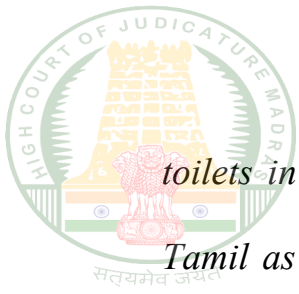


entire amount released by the Government was utilised by the school for putting up construction purpose.

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Paragraph 8:

The averments in para No.9 of the affidavit are admitted and they are based on records. It is true that the school building was put up pursuant to sanction and release of the funds by the District Collector. However, as the petitioner school will not come within the scope and ambit of the scheme, the Project Director, District Rural Development, Tiruppur issued a letter dated 03.05.2013 to the petitioner seeking to repay the amount sanctioned as the sanction was erroneously made under the scheme. A reply was sent by the petitioner on 15.04.2013 admitting that the buildings were put up in the school by utilising the release of funds under the Scheme by the District Collector. The fact remains that the petitioner school being an Government Aided School will not fall within the purview of the scheme and the funds out not to have been released to the petitioner school. The release of fund in favour of the petitioner is contrary to the scheme. The Government issued G.O (Ms) No.62, Rural Development and Panchayat Raj (SGS1) Department clarifying this position. As per the said Government Order, the ‘*Namakku Naame Thittam*’ (Self Sufficiency Scheme) (SSS) can be made applicable to the Government Aided Schools subject to certain conditions. In clause 3 of the said Government Order, it is clearly stated that “*Construction of Class rooms, laboratories and*



toilets in 100% Government aided schools can be taken up if they have only Tamil as medium of instructions. The assistance by way of Government grant under this scheme to an eligible aided school should not exceed Rs.10 lakhs in a particular year. Once a Government aided School has been assisted, it is not eligible for further assistance under the scheme for a period of 3 years. The said order passed by the Government will have retrospective effect and consequently, the petitioner institution is bound to refund the amount sanctioned and released in their favour during 2003-2004.

Paragraph 9:

The petitioner school is not imparting education in Tamil medium alone. Further, the grant made in favour of the petitioner exceeded Rs.10 lakhs. Even as admitted by the petitioner in Para No.9, the amount was released under the presumption that the petitioner school is a private school. Therefore, the petitioner school is not entitled for sanction and release of funds under the scheme. In such circumstances, on 31.05.2013, The Project Director, District Rural Development, Tiruppur issued a letter and demanded repayment of Rs.16,12,500/- sanctioned to the petitioner. As there was no response, the Project Director, District Rural Development, Tiruppur once again written a letter on 24.06.2013 calling upon the petitioner to repay the amount with 24% interest and directed the second respondent to take steps to recover the amount by way of Revenue Recovery Act. The Project Director, District Rural



Development, Tiruppur also further issued a letter dated 04.09.2013 and 22.10.2013 for recovery of the amount with interest. Such demand made by the

Project Director is lawful inasmuch as the petitioner school was sanctioned funds erroneously and contrary to the scheme which was in force.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. The facts of the present case are not in dispute. Admittedly, the petitioner school is a Government-aided school established in the year 1898 and has been functioning for more than 120 years, In the year 2004, the District Collector sanctioned 75% of the cost for the construction of the aforesaid classrooms, upon receipt of the remaining 25% contribution from the Alumni Association and the Parent- Teacher Association. It is also an undisputed fact that the construction work was carried out by the Rural Development Department and not by the petitioner school management. The entire project was executed under the supervision of the District Administration. Subsequently, the first respondent passed the impugned order directing the petitioner to refund the amount sanctioned under the scheme. The said order was passed after an inordinate delay of nearly fourteen years from the date of



sanction and completion of the project. In the circumstances, the impugned order is unsustainable in law and is liable to be quashed.

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7. Accordingly, the writ petition is allowed and the impugned order dated 15.06.2018 is quashed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

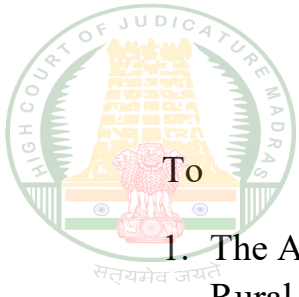
01-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Uma



To

1. The Assistant Director (Audit)
Rural Development, Tiruppur.
2. Block Development Officer,
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3. The District Collector,
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As Per Order Dated 14.03.2025 In
Wmp.6312/2025 In Wp.16930/2018 By Jsnpj)

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M.DHANDAPANI, J.

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