

(2011) 07 MAD CK 0493

In the Madras High Court

Case No : Writ Petition (MD) No. 3105 of 2009 and M.P. (MD) No. 1 of 2009

K. Ammayappan

APPELLANT

Vs

State of Tamil Nadu and Murugan Elementary School

RESPONDENT

Date of Decision : 20-07-2011

Acts Referred:

Tamil Nadu Recognised Private Schools (Regulation) Act, 1973 — Section 53(A)

Citation : (2011) 07 MAD CK 0493

Hon'ble Judges : P. Jyothimani, J

Bench : Single Bench

Advocate : G.R. Swaminathan, for the Appellant; V. Pandi, Government Advocate, for the Respondent

Judgement

P. Jyothimani, J.—This Writ Petition is filed by the Petitioner, who is a member of the school committee of Murugan Elementary School, Punalveli Post, Rajapalayam Taluk, Virudhunagar District, for a direction against the second Respondent, the District Elementary Educational Officer, Virudhunagar, to initiate action in accordance with Section 53(A)(i) of the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973 [hereinafter referred to as "the Act"] in respect of the affairs of the fourth Respondent school.

2. According to the Petitioner, the third Respondent was not a duly elected Secretary of the school committee of Murugan Elementary School, since the educational agency consisting of the Petitioner as well as the third Respondent and Ors. have never nominated the third Respondent as a Secretary of the school committee and, therefore, there has been a genuine dispute regarding the nomination of the third Respondent as the Secretary of the school committee.

3. It is stated by the learned Counsel appearing for the Petitioner that the community members have made a representation on 19.01.2009. It is doubtful as to whether the representation of community members can be considered, in the light of Section 53(A)(i) of the Act, which is as follows:

"53-A. Settlement of dispute as to educational agency, etc.-(1) Notwithstanding anything contained in Section 53, whenever any dispute as to the constitution of any educational agency, or as to whether any person or body of persons, is an educational agency, in relation to any private school, or as to the constitution of a school committee, or as to the appointment of the secretary of the school committee, arises, such dispute may be referred by the persons interested or by the competent authority to the civil court having jurisdiction, for its decision."

4. Be that as it may, as it is stated in another Writ Petition filed by the Petitioner herein in W.P.(MD) No. 9089 of 2009 that the Secretaryship of the school committee of the said school in respect of the third Respondent has expired by efflux of time, such representation made by the community members cannot be directed to be considered, taking the same as a dispute u/s 53(A)(i) of the Act. However, it is always open to the Petitioner to make a proper representation to the second Respondent, if so advised and in that event, it is for the second Respondent to pass appropriate orders on merits, taking note of the above said fact that the tenure of Secretaryship of the third Respondent has expired by efflux of time. While considering such representation, which would have been made by the Petitioner, the second Respondent shall decide the same and pass orders, after hearing the Petitioner as well as the third Respondent.

5. The Writ Petition stands disposed of in the above terms. Consequently, the connected miscellaneous petition is closed. No. costs.