

(2001) 02 MAD CK 0021

In the Madras High Court

Case No : Writ Petition No. 1899 of 2001 and W.M.P. No's. 2583 and 2564 of 2001

M. Shanmugam

APPELLANT

Vs

The Director Primary School and The District Primary School
Educational Officer

RESPONDENT

Date of Decision : 02-02-2001

Acts Referred:

Tamil Nadu Recognised Private Schools (Regulation) Rules, 1974 — Rule 11, 13(5)

Citation : (2001) 02 MAD CK 0021

Hon'ble Judges : D. Murugesan, J

Bench : Single Bench

Advocate : P. Wesley Issac, for the Appellant; M. Rathinam, Addl. Govt. Pleader, for the Respondent

Final Decision : Allowed

Judgement

D. Murugesan, J.—The Petitioner has challenged the impugned proceedings of the 2nd Respondent made in R.C. No. 75/A3/2001 dated

24.1.2001. By the said impugned order, the 2nd Respondent ordered direct payment of the salary to the teachers relying upon Rule 11 of the

Tamil Nadu Private School (Regulation) Rules. The reason adduced in the said order is that on the basis of the complaint received by the Director,

the 2nd Respondent from one K. Subramaniam in regard to the expulsion of three students from the school. The District Educational Officer after

enquiry directed the school authorities to admit the students. The said direction has not been complied with by the Petitioner. The 2nd Respondent

considered the attitude of the Petitioner school as violation of Rule 13(5) of Tamil Nadu Private School (Regulation) Rules. Therefore the

impugned order said to have been passed.

2. The Learned Counsel for the Petitioner while challenging the said impugned order submitted that the three students studying in the Petitioner

school in Standard I, III and V. were expelled by the Headmaster. In fact the Headmaster has written to the 2nd Respondent on 9.1.20001

bringing to the notice of the circumstances under which the students were expelled from the school viz., they were expelled on disciplinary grounds.

Therefore the 2nd Respondent cannot interfere in the matter of administration of the Petitioner school. Therefore, the impugned order is liable to be set aside.

3. Mr. M. Rathinam, learned Additional Government Pleader after taking notice on behalf of the Respondents submitted that as per Rule 13(5) the

Headmaster is competent to take disciplinary action against the students. In fact a Division Bench of this Court has held in W.P. No. 7593 and

7594/1997 dated 24.6.1997 that even the Secretary of the School has no right to interfere in the matter of admission and also in the matter of

disciplinary proceedings which could be initiated by the Headmaster. Admittedly in this case the students have been enquired into by the 2nd

Respondent and found that the expulsion are not valid and therefore ordered payment.

4. By virtue of Rule 13(5) the Headmaster is competent to take disciplinary proceedings against the students. In fact the Secretary of the school

cannot have any say in the matter of disciplinary action taken by the Headmaster. This view has already been taken by a Division Bench of this

Court in W.P. No. 7593 and 7594/1997. Admittedly in this case three students were expelled from the school on disciplinary grounds. The

impugned order refers to the violation of Rule 13(5) cannot be a ground to order direct payment of the teachers by virtue of Rule 11 of the Tamil

Nadu Private School (Regulation) Rules which relates to the grant. Nowhere in the said Rule, the power has been conferred on the 2nd

Respondent to order direct payment for the teachers for the action taken by the Headmaster for expulsion of students on disciplinary grounds. The

impugned order relied upon Rule 11 would in my view fall outside the scope of Rule 11 of the Tamil Nadu Private School (Regulation) Rules. In

that view of the matter, the 2nd Respondent ought not to have interfered in the disciplinary proceedings taken by the Headmaster of the school and

ought not to have directed the Petitioner to admit those students.. Further the 2nd Respondent has no authority to order direct payment of salary to

the teachers on the ground that the Petitioner school has violated Rule 13(5). Admittedly the expulsion of students has been made only by the

Headmaster and not by the Secretary. Therefore, reliance placed by the 2nd Respondent in the impugned order over Rule 13(5) cannot be

justified and I do not find any reason to sustain the order. Therefore the impugned order is liable to be set aside and accordingly it is set aside and

the Writ petition is allowed. No costs. Consequently, W.M.P. No. 2563 and 2564/2001 are closed.