
(1998) 11 MAD CK 0034
In the Madras High Court

The Coimbatore District Aided Secondary and Higher
Secondary School Management Association

APPELLANT

Vs

State of Tamil Nadu and Others

RESPONDENT

Date of Decision : 13-11-1998

Acts Referred:

Citation : (1999) 1 MLJ 716 : (1999) WritLR 99

Hon'ble Judges : P. Sathasivam, J

Bench : Division Bench

Judgement

P. Sathasivam, J.—In all these writ petitions the petitioners have sought for writ of declaration, declaring Rules 12(3) and 12(3)(a) of the

Tamil Nadu Recognised Private Schools (Regulation) Rules, 1974 passed by the first respondent and the consequential proceedings made by the

Educational authorities as ultra vires of Section 15 of the Tamil Nadu Private Schools (Regulation) Act, 1973 and violative of Articles 19(i)(c) and

19(i)(g) of the Constitution of India, so far as the petitioners schools are concerned. Since similar contentions have been raised in all the writ

petitions, for the convenience, I shall refer the factual position in W.P.NO. 12253 of 1989.

2. The case of the petitioner in W.P.No. 12253 of 1989 is briefly stated hereunder: The petitioner is the Coimbatore District Aided Secondary and

Higher Secondary School Management Association. It is stated that as per Section 17 of the Tamil Nadu Recognised Private Schools (Regulation)

Act, 1973 (hereinafter referred to as ""the Act""), the school committee is invested with the power of transacting business of private schools. As

such, the management have got much power to administer the institution in accordance with the rules ensufing a good education to the students. u/s

15 of the Act, it is a pre-condition to have a school Committee in every recognised school which shall include the headmaster of the school and the senior most teachers employed in the school. Further Section 15 also provides to include the number of representatives of teachers and also prescribes different number of representatives from different classes of private schools. The rule prescribes that two senior most teachers in the school to be members of school committee in case where the institutional agency employees less than 20 teachers and three representatives in cases where number of teachers employed is more than 20. The Headmaster would be a member ex officio in the committee. Under the said rules no limitation is provided regarding the number of representatives of the educational agency. Thus, the educational agency is given power to manage and administer the institution in consonance with their object of imparting education to suit the social needs.

3. It is further stated that the Government have issued G.O.Ms.No. 1502, Education, dated 23.9.1988 seeking to amend the various rules of Tamil

Nadu Recognised Private School (Regulation) Rules, 1974 (hereinafter referred to as "the Rules"). Rule 12 of the Private School Rules has been

amended by the impugned Government order introducing different classes of persons to the members of school committee and also restricts the

total number of members of the school committee by taking away right of the educational agency to nominate any number of persons as their

representatives of the committee. The impugned G.O., seeks to prescribe the total number of members of the school committee as 12 which shall

include the representatives of foreign class of persons, namely,

- (a) Parent Teacher association nominee -1
- (b) non-teaching staff representative -1
- (c) teaching staff representatives - 3
- (d) representatives of educational agency - 6
- (e) Headmaster as ex officio member.

It is stated that the amended Government Order infringes the right of management to administer the institution apart from interfering with internal management of the private school. The impugned Government Order is illegal and ultra vires the Act. In such circumstance, having no other

remedy, they approached this Court by way of the above writ petitions. As stated earlier, I am not referring similar contentions raised in the other writ petitions.

4. The Government have filed counter affidavit only in W.P.No. 91 of 1990. The defence taken by the Government is briefly stated hereunder: It is

stated that the Act was enacted to regulate the functions of recognised private schools in the State of Tamil Nadu. To carry out various purposes

of the Act, the Government have been empowered to make rules generally u/s 56 and several other provisions of the Act. Accordingly, the Tamil

Nadu Recognised Private Schools (Regulation) Rules, 1974 were issued. Whenever the amendments are issued to the said Rules, they should be

followed by the Educational Agency. The amendment issued in G.O.Ms.No. 1502, Education Department, dated 23.9.1988 is valid in law and it

does not override any of the provisions of the Act or violate the fundamental rights as alleged by the petitioners. u/s 15 of the Act, it is a pre-

condition to have a school committee in every recognised school. Prior to the amendment, no limitation was provided regarding the number of

representatives of the educational agency. Sub-section (2) of Section 15 enables the Government to prescribe the number of representatives for

different classes of private schools. Taking note of the various functions of the school committee and in the light of Section 15 of the Act and after

considering that the management of private school were in the habit of terminating the staff even for trivial reasons, the Government decided to

restrict the representations from the school agencies and also included a representative from a non-teaching staff and also making headmaster as

Ex-officio member. It is further stated that because of the non-restriction of limitation for the nomination of representatives of the Educational

Agency, the Educational Agency nominated number of representatives of their choice, for their advantage, there by preventing over all the matters

including academic matters, disciplinary action against any person employed in the school etc. Therefore, the Government thought it necessary to

restrict the nomination of number of members to the school committee by the educational agency. It also becomes necessary to include

representatives of teaching and non-teaching staff in the school committee. Otherwise, it will give room for management to take one sided decisions

arbitrarily against the staff for flimsy and trivial reasons. Such representation is not against public interest and the same will be justifiable in the eye

of law. The Government also thought that it would be more appropriate if the parents are represented by a nominee in the school committee

through the parent Teachers Association in the interests of their wards. Further, Section 15 of the Act does not specifically exclude others being

included in the committee by the Government. As stated earlier, taking note of the various functions of the school committee as per Section 18 of

the Act, the (sic) of non-teaching staff, a representative from Parent Teacher association and restricting the management committee cannot be said

to be against the provisions of Section 5 or any of the provisions of the Constitution of India. It is also (sic) that proper procedure has been

followed while amending the rules, accordingly they prayed for dismissal of the writ petitions.

5. In the light of the above pleadings, I have heard Mr. R. Muthukumarawami, Mr. N. Paul Vasanthakumar Mr. Joseph Jerome and V. Ayyadurai,

learned Counsel for petitioners ant the learned Additional Advocate General for Government and other educational authorities.

6. I hereby summarise the submissions made by the learned Counsel for the petitioners as follows:

- (i) Amendment to Rule 12(3) is ultra vires Section 15 of the Act;
- (ii) Rule 12(3)(i)(iv) and (v) of the Rules are wholly outside the purview of Section 15 of the Act;
- (iii) Section 15(2) of the Act does not contemplate any person other than teaching staff being members of the school committee;
- (iv) If the school is being managed by a single person, Rule 12(3)(i) cannot be complied with;
- (v) Non-teaching staff cannot be included in primary school;
- (vi) Without amending Section 15 of the Act as done in Private Colleges Act, amendment to Rule 12(3) cannot be sustained; and
- (vii) The impugned Government Order has not been placed before the sub-committee, accordingly the same cannot be sustainable in law.

On the other hand, learned Additional Advocate General after taking me through the relevant provisions of the Act and Rules, has raised the

following contentions:

(i) Taking note of the object of the Act, Government is competent to amend the Rule, namely, Rule 12 in order to give proper representation to all

concerned; accordingly the Government is justified in restricting the representation of the educational agency at 6 and also including a nominee of

Parent Teacher association and one person from non-teaching staff;

(ii) Section 15 of the Act should be read along with Rule 12 of the Rules;

(iii) Six persons provided for educational agency is only a general requirement and lesser number can also participate;

(iv) Inasmuch as there is no exclusion or restriction or specific bar in Section 15, nothing wrong in including one nominee from Parent Teacher

Association and from non-teaching staff, and

(v) In the light of the powers and functions of the school committee as per Section 18 and in the interest of teachers/staff and children, the

Government is competent and justified in amending Rule 12(3) by way of the impugned Government Order. Mr. P.K. Rajagopal, learned Counsel

for respondents 4 and 5 in W.P.No. 12253 of 1989 has adopted the arguments of the learned Additional Advocate General.

7. I have carefully considered the rival submissions.

8. In order to appreciate the rival contentions, I shall refer the relevant provisions of the Act and the Rules. Section 2(3) defines ""educational

agency"" as follows:

2.(3) ""educational agency"" in relation to-

(a) any minority school, means any person who or body of persons which, has established and is administering or proposes to establish and

administer such minority school; and

(b) any other private school, means any person or body of persons permitted or deemed to be permitted under this Act to establish and maintain

such other private school;

Section 2(8) defines "school committee" as follows:

2(8) ""school committee"", in relation to a private school, means the school committee constituted u/s 15.

Constitution of school committee is explained in Section 15 which runs as follows:

15. Constitution of school committee: (1) Every private school shall have a duly constituted school committee which shall include the headmaster of

the private school and the senior most teachers employed in the private school as provided in Sub-section (2).

(2) The number of representatives of the teachers on such constituted school committee shall be such as may be prescribed and different number

of representatives may be prescribed for different classes of private schools.

Functions of the school committee are explained in Section 18 as follows:

Section 18: Functions of the school committee and responsibility of educational agency under the Act: (1) Subject to the provisions of this Act and

the rules made thereunder, the school committee shall have the following functions, namely:

(a) to carry on the general administration of the private school excluding the properties and funds of the private school;

(b) to appoint teachers and other employees of the private school, fix their pay and allowances and define their duties and the conditions of their

services; and

(c) to take disciplinary action against teachers and other employees of the private school.

(2) The educational agency shall be bound by anything done by the school committee in the discharge of the functions of that committee under this

Act.

(3) For the purposes of this Act, any decision or action taken by the school committee in respect of any matter over which the school committee

has jurisdiction shall be deemed to be the decision or action taken by the educational agency.

9. Apart from the above provisions of the Act, Rule 12 of the Rules framed in exercise of the powers conferred u/s 56 of the Act is also relevant.

Unamended Rule 12: Constitution of the school committee: (1) the educational agency of every private school shall constitute a school committee.

(2) The term of office of the committee shall be three years. Members of the committee shall be eligible for renomination.

(3) The school committee shall consist of-

(a) Representatives of the educational agency who shall be nominated by such educational agency:

Provided that the employees of the school shall not be nominated under this category.

(b) Headmaster of the school-Ex-officio.

(c) Two senior most teachers of the school, if the strength of teachers in such school is less than twenty and three senior-most teachers, if the

strength of teachers in such school is twenty and above:

Provided that the number of representatives of teachers shall not be reduced on account of any decrease in the strength of teachers during the three

years term of the committee; Provided further that the educational agency shall increase the representation for the teachers on the above scale, if

the strength of the teachers is increased. The teacher so nominated shall be a member of the committee for the residual period of the tenure of the

committee and shall be eligible for re-nomination: Provided further when a vacancy of teachers' representatives in the committee arises, the next

senior-most teacher shall be nominated to the committee. However, there shall be no change to in the membership of the teachers' representative

during the tenure of the committee on account of the appointment of another senior teacher.

Explanation - For purposes of this rule, the seniority shall be determined with reference to the total service rendered by the teacher in any

recognised school or schools.

(4) The educational agency shall nominate one of its representatives in the committee as the President.

If educational agency intends to change the President within the period of three years, it shall do so only with the prior approval of the District

Educational Officer.

(5) the following persons shall not be eligible to become members of the committee:

(a) Minors;

(b) Mentally unsound persons;

(c) Persons convicted for criminal offence involving moral turpitude;

(d) Insolvents;

(e) A person who has been found responsible for any senior irregularity, as a result of enquiry by the Education Department.

Amended Rule 12 is as follows:

Government of Tamil Nadu

Abstract

XXX

G.O. Ms. No. 1502, Education Department, dated 23.9.1988.

1. XXX

2. XXX

ORDER:

The following Notification will be published in the-Tamil Nadu Government Gazette:

Notification

In exercise of the powers conferred by Section 56 of the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973 (Tamil Nadu Act 29 of

1974) the Governor of Tamil Nadu hereby makes the following amendments to the Tamil Nadu Recognised Private Schools (Regulation) Rules,

1974:

Amendment

In the said Rules:

(10) In Rule 12, for Sub-rule (3) the following sub-rules shall be substituted namely:

(3) The school committee shall consist of not more than the following number of members:

(i) Representatives of the educational agency who shall be nominated by such educational agency - 6 Nos.

Provided that the employees of the school shall not be nominated under this category.

(ii) Headmaster of the school (ex-officio) -1

(iii) Teaching staff representatives of teachers shall be selected by election - 3

(iv) Parent teacher Association nominee -1

(v) Non-teaching staff (if available) By election - 1

Explanation: Non-teaching staff shall mean the ministerial staff belonging to Group C and above.

10. The main and foremost attack with respect to amended Rule 12 is that it is ultra vires Section 15 of the Act. In other words, the amended rule,

particularly Clauses (iv) and (v) to Sub-rule (3) of Rule 12 are wholly outside the

purview of Section 15. I have already extracted the definition of "school committee. As per Section 2(8), school committee means the school committee constituted u/s 15 of the Acts. As per Section 15, every private school shall have a school committee consisting of Headmaster and seniormost teachers employed in the school. The number of persons to be selected from the teachers of the private school is provided under Sub-section -(2) of Section 15. Sub-section (2) enables the Government to prescribe number of representatives of the teachers for the school committee. It is clear from the preamble of the Act, the same was enacted to regulate the functions of recognised private schools in the State of Tamil Nadu. Section 56 empowers the Government to make rules in order to implement the provisions of the Act. Accordingly, Tamil Nadu Recognised Private Schools (Regulation) Rules, 1974 were issued. u/s 15 of the Act, it is a pre-condition to have a school committee in every recognised school. Rule 12 of the Rules provides two senior most teachers in the school to be members of the school committee in cases where the strength of the teachers in the school is less than 20 and three senior most teachers in case the number of strength is 20 and above. It is also clear that prior to the amendment to Rule 12, no limitation was provided regarding the number of representative of the educational agency. I have already stated that Sub-section (2) of Section 15 enables the Government to prescribe the number of representatives to different classes of private schools, In such circumstance, it is not open to the petitioners to contend that educational agency is given enormous power to manage and administer the institution de hors the orders, rules and regulations, issued from time to time by the Government in the interests of the students, teaching and non-teaching staff.

11. I have already mentioned that u/s 56 read with Section 15 of the Act, Government have every right to make rules in the form of an amendment with regard to constitution of school committee. Further, as stated earlier, the Government have enacted the Act and the Rules mainly to regulate the administration of the schools, to safeguard the interests of the students, teachers and non-teaching staff. Section 18 enumerates the functions of the school committee and responsibilities of the educational agency. It is stated in the counter affidavit that the managements of the private schools

were in the habit of terminating their staff even for trivial reasons. The main function of the school committee is to take disciplinary action against the teaching and non-teaching staff of the school. Previously such committee was consisting of, (1) representative of the educational agency; (2) headmaster of the school, and (3) two senior most teachers of the school. It was also brought to the notice of the Government that because the non-restriction of the limit for the nomination of the representatives of the educational agency, the educational agency nominated number of representatives of their choice, for their advantage, thereby preventing over all the matters including academic matters, disciplinary action against any person employed in the school etc. In such circumstance, the Government thought it necessary to restrict the nomination of number of members to the school committee by the educational agency. Inclusion of representative of teaching and non-teaching staff in the school committee has become necessary. As rightly contended by the learned Additional Advocate General, it will give room for the management to take one sided decisions arbitrarily against the teaching and non-teaching staff for flimsy and trivial reasons. It is necessary and reasonable to have representatives of the above categories in the school committee and such representation is not against public interest. It will undoubtedly be justifiable in the interest of all persons concerned in the welfare of the school. As a matter of fact, the presence of representative of a non-teaching staff is in no way affecting the rights of the management and the decision of the committee is always based on the majority opinion of the members subject to the quorum. Further, as, per Section 18, the school committee is empowered to carry on the general administration of the private school including properties and funds. With regard to appointment of teachers and other employees, fixation of their pay, allowances, duties and conditions of their services disciplinary actions against the teachers and other employees lie only with the school committee. In such circumstances, inclusion of 3 members from the teaching staff and one from non-teaching staff cannot be said to be either illegal or contrary to any provisions of the Act.

12. No doubt, by pointing out Section 2(8), which defines "school committee", Mr. R. Muthukumaraswamy, learned Counsel for the petitioner by relying on a decision of the Supreme Court reported in *State of Tamil Nadu v. Adhiyaman Educational and Research Institute and Ors.*

etc. (1995) 2 L.W. 498 has contended that in view of specific meaning provided by the Legislature under Sub-clause 8 and in the absence of

inclusive definition, it is not open to the Government to include so many other agencies which are not mentioned in Section 15. With regard to the

words "mean and includes he has very much relied on the following observation of Their Lordships in that decision.

2. Definitions: In this rules, unless the context otherwise requires-

(b)."College" means and includes Arts and science college, Teachers Training College, Physical Education College, Oriental college, school of

institute of social work and Music College maintained by the education agency and approved by, or affiliated to the University.

It is not necessary to emphasise that the expression "means and includes" used in the definition confines the definition to only those species of the

genus which are specifically enumerated in the definition, and hence, the Act as it stands today, is not made applicable by the said Rules to the

technical colleges including the engineering colleges with which we are concerned in the present case. In this context, reference may be made to the

decision of this Court in Civil Appeal. Nos. 10001-03 of 1983 P. Kasilingam and Ors. v. P.S.G. College of Technology pronounced today (since

reported in (1995) 2 L W. 521 : 1995 WL.R.572, next to this decision). It cannot, however, be denied that in view of the wide application of the

Act by virtue of Section 1(3) and the wide definition of "private college" contained in Section 2(8) of the Act, it is capable of being made

applicable at any time to the institutions imparting technical education by amending the Rules.

Again the expression "means and includes" has been considered by the Supreme Court in P. Kasilingam v. P.S. G. College of Technotogy and

Ors. (1995) 2 L. W. 521. The relevant discussion is as follows:

15. We will first deal with the contention urged by Shri Rao based on the provisions of the Act and the Rules. It is no doubt true that in view of

Clause (3) of Section 1, the Act applies to all private colleges. The expression "college" is, however, not defined in the Act. The expression

private college" is defined in Clause (8) of Section 2 which can, in the absence of any indication of a contrary intention, cover all colleges including

professional and technical colleges. An indication about such an intention is,

however, given in the Rules wherein the expression "college" has been defined in Rule 2(b) to mean and include Arts and Science College. Teachers Training College, Physical Education College, Oriental College, School of Institute of Social Work and Music College. While enumerating the various types of colleges in Rule 2(b) the Rule making authority has deliberately refrained from including professional and technical colleges in the said definition. It has been urged that in Rule 2(b) the expression "means and includes" has been used which indicates that the definition is inclusive in nature and also covers categories which are not expressly mentioned therein. A particular expression is often defined by the Legislature by using the word "means" or the word "includes". Sometimes the words "means and includes" are used. The use of the word "means" indicates that definition is a hard and fast definition, and no other meaning can be assigned to the expression than is put down in definition." (See: Gough v. Gough (1891) 2 Q.B. 665; Punjab Land Development and Reclamation Corporation Ltd., Chandigarh Vs. Presiding Officer, Labour Court, Chandigarh and Others, . The word "includes" when used, enlarges the meaning of the expression defined so as to comprehend not only such things as they signify according to their natural import but also those things which the clause declares that they shall include. The words "means and includes", on the other hand, indicate "an exhaustive explanation of the meaning which, for the purposes of the Act, must invariably be attached to these words or expression". (See: Dilworth v. Commissioner of Stamps 1899 A.C. 99 (Lord Watson); M/s. Mahalakshmi Oil Mills Vs. State of Andhra Pradesh, . The use of the words "means and includes" in Rule 2(b) would, therefore, suggest that the definition of "college" is intended to be exhaustive and not extensive and would cover only the educational institutions falling in the categories specified in Rule 2(b) and other educational institutions are not comprehended, insofar as engineering colleges are concerned, their exclusion may be for the reason that the opening and running of the private engineering colleges are controlled through the Board of Technical Education and Training and the Director of Technical Education in accordance with the directions issued by the AICTE from time to time. As noticed earlier the Grant-in-Aid code contains provisions which, in many respects, Cover the same field as is

covered by the Act and the Rules. The Director of Technical Education has been entrusted with the functions" of proper implementation of those

provisions. There is nothing to show that the said arrangement was not working satisfactorily so as to be replaced by the system sought to be

introduced by the Act and the Rules. Rule 2(d), on the other hand, gives an indication that there was no intention to disturb the existing

arrangement regarding private engineering colleges because in that Rule the expression ""Director"" is defined to mean the Director of Collegiate

Education. The director of Technical Education is not included in the said definition indicating that the institutions which are under the control of

Directorate of college Education only are to be covered by the Act and the Rules and technical educational institutions in the State of Tamil Nadu

which are controlled by the Director of Technical Education are not so covered.

13. Mr. P.K. Rajagopal, learned Counsel for respondents 4 and 5 (W.P.No. 12253 of 1989) has also brought to my notice the decision of the

Apex Court reported in Regional Director, Employees" State Insurance Corporation Vs. High Land Coffee Works of P.F.X. Saldanha and Sons

and Another, . In that decision, their Lordships of the Supreme Court construed the word ""include"" as follows:

...The word ""include"" in the statutory definition is generally Used to enlarge the meaning of the preceding words and it is by way of extension, and

not with restriction. The word ""include"" is very generally used in interpretation clauses in order to enlarge the meaning of words or phrases

occurring in the body of the statute, and when it is so used, these words or phrases must be construed as comprehending, not only such things as

they signify according to their natural import but also those things which the interpretation clause declares that they shall include.

14. Irrespective of the above decisions, even though Section 2(8) ""school committee"" means, the committee constituted u/s 15, in the light of the

object of the Act, functions and responsibilities of the school committee, amendment made in Rule 12(3) of the Rules incorporating a

representative from non-teaching staff and Parent Teacher association in the school committee can not be said to be outside the purview of Section

15 of the Act. As mentioned above, as per Section 18 of the Act, it is the duty of the school committee not only to carry on the general

administration of the private schools, but includes taking disciplinary action against the teaching and non-teaching staff of the school. In such circumstance, it is but proper for inclusion of the representative from the teaching side and non-teaching side. Regarding prescribing the number of representatives undoubtedly Section 15(2) of the Act gives power to the Government, By the presence of 3 representatives from teaching staff, one representative from Parent Teacher Association and non-teaching staff, it is not understandable how the interest of the management would be affected. However, the presence of representatives of the above said categories is nowhere affected the rights of the management and the decision of the committee is always based on the majority opinion of the members of course subject to the quorum.

15. It is also relevant to mention that the schools are functioning not only for imparting education, but also to promote discipline, participation of the children in various academic and non-academic events, sports, Literary, paintings, promotion of welfare activities etc. Accordingly, decision for the sake of improvement of school, standard of education, action against students, teachers etc., are taken in the school committee meetings, As a matter of fact, now a days the Parent Teacher Association is functioning well in all the schools. Accordingly, the Government thought it would be more appropriate if the parents are represented by a nominee in the school committee through Parent Teacher Association. As stated earlier, the Parent Teacher Association is functioning in every school and their contribution for development of the school welfare of the children cannot be ignored. Hence inclusion of nominee from Parent Teacher Association in the school committee and the action of the Government in incorporating the same in Rule 12(3) of the Rules is valid in law. Likewise, as stated earlier, school committee is competent to take disciplinary action not only against the teachers, but also against other employees of the private school. Inclusion of one representative from non-teaching staff is also valid and it does not affect the rights of the management or violate any of the provisions of the Act.

16. Even if we take Section 15 alone to test the conditions incorporated in Rule 12(3) of the Rules, in, the absence of specific bar or restriction in Section 15, the amendment brought in by the impugned Government order cannot be said to be ultra vires either the Act or the Constitution of

India. I am of the view that Section 15 does not either restrict or prohibit the inclusion of any other person. In such circumstance, as stated earlier, taking note of the object of the Act, functions and responsibility of the school committee, Section 15 is only inclusive in character. Accordingly, in order to promote the above objections, the Government is at liberty to include any other person in the school committee, Hence, I agree with the contention of the learned Additional Advocate General that Section 15 does not specifically ignore others being included in the committee by the Government while exercising the powers conferred u/s 5 6 of the Act.

17. Regarding the contention of Mr. Ayyadurai that the impugned rules were not placed before the sub-committee and, accordingly the same cannot be sustainable in law, it is brought to my notice the statement made by the Additional Secretary to Government, School Education Department in para. 15 of the counter affidavit. The said contention has to be rejected. Further, the amendments made to the said Rules in the impugned Government order were issued in a notification invoking the provisions of Section 56 of the Act. In amending the Rules only the procedural aspect is involved and no policy decision is involved. Hence, the amendment issued to the said rules in the said Government order even without approval of the sub-committees is valid.

18. Regarding the contention of Mr. Ayyadurai, learned Counsel for the petitioner in W.P.No. 12253 of 1989 if the Government wants" to include outside agencies in the school committee, the same has to be done only after amending Section 15 as has been done in Private Colleges Act. No doubt, in the Private Colleges Act, similar provision has been inserted in the Act itself, however, for the reasons stated above, the court is of the view that even without amending Section 15, it is open to the Government to incorporate representatives from non-teaching staff and Parent Teacher association in Rule 12(3) in the light of the object of the Act and functions and responsibilities of the school committee. Accordingly, I reject the said contention.

19. In the light of what is stated, above, I hold that amendment to Rule 12 cannot in any way affect the interest of the management, teachers and pupil. As per the scheme of the Act, the Government are empowered to prescribe the number of members of the school committee taking into

consideration of the interest of all concern, namely, the management, teaching, non-teaching staff and the students, Accordingly I hold Rule 12(3)

of the Rules incorporated by way of G.O.Ms.No. 1502, Education Department, dated 23.9.1988 are valid and accordingly all the writ petitions

are dismissed as devoid of merits. No costs.