

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.34093 of 2015

1.K.Chandrasekaran
2.R.Chitra
3.A.R.Ezilarasu

... Petitioners

-Vs-

1.The Director of School Education,
DPI Campus,
College Road,
Chennai - 600 006.

2.The District Educational Officer,
Tiruvannamalai.

3.Ramu Reddiar High School,
Rep. By its Secretary,
Karungali Kuppam,
Kilpennathur Post,
Tiruvannamalai - 604 601.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the second respondent herein to prescribe the subject wise rotation by giving representation for all the subjects for the purposes of up-gradation of secondary grade teacher post to B.T. Assistant post as per G.O.Ms.No.100 dated 27.06.2003 so far as the third respondent school and accordingly direct the second respondent to direct the third respondent to fill up the post of the upgraded B.T.Assistant by first considering the claims of the petitioners in accordance with Rule 50(4) of the Tamil Nadu Recognized Private Schools (Regulations) Rules, 1974.

For Petitioner : Ms.Dakshayani Reddy

For Respondents : Mr.V.Subbiah,

Special Government Pleader for R1 & R2

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. It is stated that the 1st petitioner joined the service of the 3rd respondent school as Secondary Grade Teacher with effect from 08.07.1987, the second petitioner joined in the same capacity with effect from 23.11.1987 and it is an aided post and their services were also approved by the 2nd respondent. The third petitioner would state that he was appointed to the 3rd respondent school with effect from 29.03.1986 and it is also an aided sanctioned post and it was also duly approved by the 2nd respondent. It is the claim of the petitioners that all of them were fully qualified for appointment to the post of B.T. Assistant. The petitioners would state that they are entitled to take classes from 1st to 8th standards as per the policy decision of the Government and subsequently, there was a change of policy to up-grade the post of Secondary Grade Teacher to that of the B.T. Assistant as and when vacancy arises in the post of Secondary Grade Teacher due to retirement in G.O.Ms.No.79, School Education Department dated 14.06.2002 and modified by G.O.Ms.No.100 of the same Department dated 27.06.2003. Since it is the claim of the petitioners that they are fully qualified for the post of B.T.Assistant, they have to be accommodate as and when the vacancies arise in any one of the teaching post in the aided school by following the provisions of the Tamil Nadu Recognized Private Schools (Regulations) Rules, 1974 and as a matter of fact though four vacancies arose during the year 2006, the claim of the petitioners have not been considered.

3. The grievance expressed by the petitioners are that though they are fully qualified for the post of B.T. Assistant, their claim may be unjustified and over ruled and so far they have kept quite for the reason that on every occasion, the school management would assure them that they will be accommodated and however, they have not been considered and therefore, they have submitted their representation dated 24.07.2015, 24.04.2015 and 22.07.2015 respectively to the 2nd respondent and since no orders have been passed, they came forward to file this writ petition.

4. Learned counsel appearing for the petitioner would submit that in terms of Rule 50(4) of the Tamil Nadu Recognized Private Schools (Regulations) Rules, 1974, the claim of in-service candidate should be considered first in any of the

vacancies before consideration of outside candidate and admittedly it has not been done and hence, prays for appropriate orders.

5. Heard the submissions of Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of respondents 1 and 2.

6. Though the petitioners prayed for the larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the 2nd respondent to consider and dispose of the petitioners' representation dated 24.07.2015, 24.04.2015 and 22.07.2015 respectively on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

The Writ Petition is disposed of accordingly. No costs.

sd/
ASSISTANT REGISTRAR (CS-VII)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

vsm

To

1.The Director of School Education,
DPI Campus,
College Road,
Chennai - 600 006.

2.The District Educational Officer,
Tiruvannamalai.

+1 CC to Ms.Dakshayani Reddy Advocate. SR.NO. 59185
+1 CC to Govt.Pleader. SR.NO. 58795

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CO-AK
JD 16/11/2015