



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.09.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD).No.16249 of 2015

S.Allirani

...Petitioner

Vs

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

2.The Joint Director of Elementary Education (Aided),
O/o. Director of Elementary Education,
DPI Campus, College Road,
Chennai-600 006.

3.The District Elementary Educational Officer,
Tuticorin District, Tuticorin.

4.The Additional Assistant
Elementary Educational Officer,
Alwarthirunagari at Thenthirupperai,
Tuticorin District.

5.The Secretary,
Grama Middle School, Vellakovil,
Suganthalai PO,
Alwarthirunagari Union, Tuticorin District.

6.A.S.Kannan
Middle School Headmaster
Grama Middle School,
Vellakovil, Suganthalai PO,
Alwarthirunagari Union,
Tuticorin District.

...Respondents

Prayer:- The Writ Petition has been filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 2nd respondent to pass appropriate orders on the Appeal Petition submitted by the petitioner dated 11.5.2015 in the light of G.O (1D).No.11 School Education [Tho.Ka.2(1) Department] dated 24.1.2014 and consequently cancel the promotion given in favour of 6th respondent to the post of Middle School Headmaster and to promote the petitioner to the post of Middle School Headmaster in the 5th respondent School based on her eligibility and seniority, within a time frame to be fixed by this Hon'ble Court.

For petitioner : Mr.G.Sankaran

For respondents : Mr.Aaiyuram K.Selvakumar takes notice
Government Advocate
for R1 to R4.



ORDER

This Writ Petition has been filed by S.Allirani seeking for issuance of a Writ of Mandamus directing the 2nd respondent to pass appropriate orders on the Appeal Petition submitted by her dated 11.05.2015 in the light of G.O(1D).No.11 School Education [Tho.Ka.2(1) Department] dated 24.1.2014 and consequently to cancel the promotion given in favour of 6th respondent to the post of Middle School Headmaster and to promote the petitioner to the post of Middle School Headmaster in the 5th respondent School based on her eligibility and seniority, within a time frame to be fixed by this Court.

2. Mr.Aairam K.Selvakumar, learned Government Advocate takes notice for the respondents. By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner was appointed as Secondary Grade Teacher in the 5th respondent school on 15.11.1991. On completion of 10 years of service, she has been granted benefit of Selection Grade on 15.11.2001 and again on completion of 20 years of service, she has been granted benefit of Special Grade on 15.11.2011. In this background, the claim of the petitioner is that she is qualified with B.Lit and B.Ed., hence, she is eligible for promotion to the post of B.T Assistant as well as to the post of Middle School Headmaster on the ground that she is a senior most person working in the 5th respondent school from the year 1991 onwards. The further claim of the petitioner is that as per Rule 15(4) of the Tamil Nadu Recognized Private Schools (Regulations), 1974, the promotion has to be made only among the qualified teachers working in the school. Therefore, the petitioner being the senior most qualified person for promotion to the post of Middle School Headmaster is to be considered for promotion in the existing vacancy that arose on 31.07.2014. Hence, she made a representation seeking promotion to the post of Middle School Headmaster in the 5th respondent school. But, the 6th respondent, who was appointed as B.T Assistant in the 5th respondent school only on 05.03.2008, was given promotion to the post of Middle School Headmaster with effect from 01.08.2014 overlooking the petitioner's seniority and eligibility. Hence, the petitioner was constrained to file an appeal before the second respondent against the promotion granted in favour of the 6th respondent as well as approval of promotion given by the department. The said appeal is now pending before the second respondent. Hence, the petitioner has come before this Court with the relief as stated supra.

4. Although the prayer made by the petitioner is running against the 6th respondent, this Court, without going into the merits of the case, directs the second respondent to consider the case of the petitioner and 6th respondent in the light of the Rule 15(4) of the Tamil Nadu Reconized Private Schools (Regulations), 1974, after giving due opportunity of hearing to the petitioner as well as the 6th respondent, and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-



3

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

WEB COPY

Skn

To

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

2.The Joint Director of Elementary
Education (Aided),
O/o. Director of Elementary
Education,
DPI Campus, College Road,
Chennai-600 006.

3.The District Elementary Educational
Officer, Tuticorin District,
Tuticorin.

4.The Additional Assistant Elementary
Educational Officer,
Alwarthirunagari at Thenthirupperai,
Tuticorin District.

5.The Secretary,
Grama Middle School, Vellakovil,
Suganthalai PO,
Alwarthirunagari Union, Tuticorin District.

+one cc to Mr.F.Deepak, Advocate in SR.No.52829

+one cc to The Special Government Pleader, SR.No. 52883

W.P(MD) .No.16249 of 2015
8.9.2015

CSL/KBM/08.10.2015

3P/8C