



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.11.2016

WEB COPY

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.1570 of 2016

and

W.M.P (MD) No.1332 of 2016

The Correspondent,
Punitha Arulappan Higher Secondary School,
Avudayanoor - 627 808,
Tirunelveli District.

: Petitioner

Vs.

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

2. The District Educational Officer,
Tenkasi - 627 811,
Tirunelveli District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent District Educational Officer to approve forthwith the appointment of Thiru. S.Johnie as B.T.Assistant (Maths) by way of transfer in the petitioner's school w.e.f. 03.06.2015 and disburse the grant-in-aid towards his salary and allowance w.e.f the said date.

For Petitioner : Mr.Isaac Mohanlal
for Mr.T.Cibi Chakraborty

For Respondents : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader.

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus, directing the second respondent to approve the appointment of Mr.S.Johnie as B.T.Assistant (Maths) by way of transfer in the petitioner's school w.e.f. 03.06.2015.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the



3.The case of the petitioner is that the petitioner's school, Punitha Arulappar Higher Secondary School, Avudayanoor, Tirunelveli District, is a minority educational institution, governed by the Tamil Nadu Recognised Private Schools (Regulation) Rules, 1974. The post of B.T. Assistant (Maths) in the school fell vacant on 01.06.2015 on account of the promotion of the previous incumbent Mr.V.Arul Selvaraj as Headmaster and the school filled up the vacant post by transferring an approved B.T.Assistant (Maths), namely, Mr.S.Johnie, w.e.f. 03.06.2015 from St.Joseph High School, Vaikalipatty, under the same management. The B.T.Assistant (Maths), who was appointed, possessed of B.Sc., M.Sc., and B.Ed. degrees. The petitioner school submitted proposal to the second respondent on 28.07.2015, for approving the said appointment. The second respondent returned the proposal, vide order dated 06.08.2015, directing to enclose the approval order of the previous incumbent Mr.V.Arul Selvaraj, who was sought to be promoted as Headmaster. Therefore, this writ petition has been filed.

4.The non-approval of B.T.Assistant (Maths) of one Mr.S.Johnie, who was appointed as B.T.Assistant is in dispute in this writ petition. The issue raised in this writ petition is in a way interconnected with the result of the case in W.P(MD) No.19022 of 2016 in the sense that if no approval is granted to the post of Headmaster, then the promotee Headmaster should remain as B.T.Assistant and in that case, the stand taken by the second respondent is that there is no vacant post to be filled up as B.T.Assistant (Maths) in the petitioner's school.

5.This contention cannot be accepted in the light of the orders passed in W.P(MD)No.19022 of 2016, where-under, the respondents have been directed to grant approval to the post of Headmaster within a period of eight weeks from the date of receipt of a copy of the order. In the event of the post of Headmaster being approved, naturally, there would be a vacancy and the appointment of Mr.S.Johnie as B.T.Assistant (Maths) by way of transfer in the petitioner's school has to be approved by the respondents.

6.The learned Additional Government Pleader would submit that the proposal submitted for approval of B.T.Assistant has also been returned with a direction to submit the approval order for the post of Headmaster. Since, the respondents have been directed to consider the approval for the post of Headmaster, the petitioner is directed to resubmit the proposal along with the copy of the order passed in W.P(MD)No.19022 of 2015 and on such proposal being re-submitted, it is for the respondents to consider the approval for the appointment of Mr.S.Johnie as B.T.Assistant (Maths) by way of transfer in the petitioner's school, with needed grant-in-aid within a period of two weeks, thereafter.



7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

WEB COPY

Sd/
Assistant Registrar (Records)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Director of School Education,
College Road, Chennai - 600 006.
2. The District Educational Officer,
Tenkasi - 627 811,
Tirunelveli District.

ORDER MADE IN
W.P (MD) No.1570 of 2016
and W.M.P (MD) No.1332 of 2016
02.11.2016

smn
msm/ss3/sar3/10.11.16/p3/3c