

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.15587 of 2017

I.John Wilson Azariah

... Petitioner

-Vs-

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

2. The Chief Educational Officer
Vellore

3. The District Educational Officer
Thirupattur, Vellore District

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the third respondent to accord approval of promotion of the petitioner as Headmaster in Concordia Higher Secondary School, Ambur on the basis of the proposal submitted by the school on 02.06.2017.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mr.P.Sanjay Gandhi
Additional Government Pleader

ORDER

The petitioner has come to this Court seeking issuance of a writ of mandamus directing the third respondent-District Educational Officer, Thirupattur to accord approval of promotion of the petitioner to the post of Headmaster in Concordia Higher Secondary School, Ambur, on the basis of the proposal submitted by the school on 2.6.2017.

2. Learned counsel for the petitioner submitted that the school is receiving grant-in-aid from the Government, therefore, it is governed by the provisions of the Tamil Nadu Recognised Private Schools Regulation Act and the Rules framed thereunder as well as various other Government Orders issued from time to time. While so, the petitioner joined as P.G.Assistant in Concordia Higher Secondary School on 1.12.86 in a sanctioned

post and the educational authorities have also approved his appointment for the post of P.G.Assistant. After completion of B.Ed., he joined as P.G.Assistant (Chemistry) in Concordia Higher Secondary School on 1.2.90 and thereafter, he has also completed M.Ed. Degree through correspondence course in the year 1991 and also passed M.Phil Degree in the year 2009, for which he was also paid with two sets of incentive increments. Subsequently, he was also paid with the Selection Grade pay on completion of ten years of service in 2000 and Special Grade pay on completion of twenty years of service in 2010. Considering the petitioner's seniority in the post of P.G.Assistant in the same school, when a vacancy arose for the post of Headmaster on 1.6.2017 due to the retirement of one Tmt.D.Mercy Rathinakumari on 30.4.2017, who was given re-employment till 31.5.2017, he was considered for the post of Headmaster with effect from 1.6.2017, on the basis of a resolution passed by the Educational Committee of Indian Evangelical Lutheran Church on 9.5.2017. Accordingly, he was also issued with the promotion order by the Correspondent on 31.5.2017 and he also took charge on 1.6.2017 and discharging his duties meticulously. In the meanwhile, the management of the school has also submitted the proposal on 2.6.2017 to the third respondent for according approval of his promotion as Headmaster. Till now, the respondents have not come forward to consider the same. Therefore, a direction may be issued, he pleaded.

3. Mr.P.Sanjay Gandhi, learned Additional Government Pleader for the respondents, on instructions, submitted that one another person, namely, Mrs.S.Eunice Chandrothayam had filed W.P.No.10540 of 2017 seeking for a direction to consider her representation for promotion to the post of Headmistress in the same school and since a direction was issued by this Court to consider her representation, this writ petition also may be disposed of giving a direction to the respondents to consider the representation of the petitioner on merits.

4. In view of the factor that the Management of Concordia Higher Secondary School has already sent the proposal, recommending the case of the petitioner, for grant of approval to the post of Headmaster, the third respondent is hereby directed to consider the case of the petitioner on merits along with the order passed by this Court in W.P.No.10540 of 2017 dated 25.4.2017 and pass appropriate orders on merits and in accordance with law expeditiously. With this direction, the writ petition stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ss

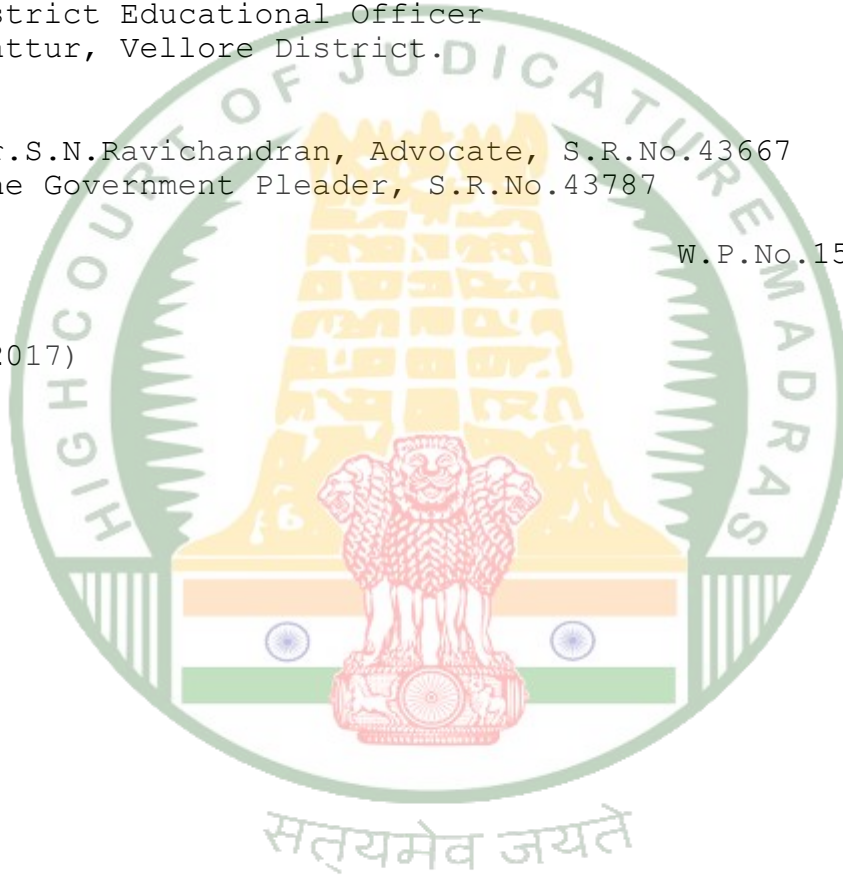
To

1. The Director of School Education
DPI Compound, College Road
Chennai 600 006
2. The Chief Educational Officer
Vellore
3. The District Educational Officer
Thirupattur, Vellore District.

+lcc to Mr.S.N.Ravichandran, Advocate, S.R.No.43667
+lcc to the Government Pleader, S.R.No.43787

W.P.No.15587 of 2017

SVI(CO)
CA(03/07/2017)



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