



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Dated : 30.08.2017

CORAM :

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.A(MD)No.1025 of 2016 and
C.M.P(MD)No.6225 of 2016

1. The District Elementary
Educational Officer,
Theni District, Theni.

2. The Assistant Elementary
Educational Officer,
Cumbum, Theni District.

... Appellants/Respondents 1&2

Vs.

1. G.Ganesan
2. Sri Mukthi Vinayakar Middle School,
Rep.by its Secretary,
Cumbum, Theni District.

... Respondent/Petitioner

... 2nd Respondent/3rd Respondent

Prayer : This Writ Appeal is filed under Clause 15 of Letters Patent, to set aside the order dated 22.04.2013 in WP(MD)No.6589 of 2013.

Prayer in WP(MD). 6589/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for the records relating to the impugned order bearing Na.Ka.No.266-A3-2011 dt.20.2.2013 passed by the 1st respondent herein and the consequential impugned order passed by the 2nd respondent bearing Na.Ka.No.29-A2-2013 dt.10.4.2013 and quash the same.

For Appellants : Mr.T.S.Md.Mohideen,
Additional Government Pleader
For Respondent-1 : Mr.M.Gnanagurunathan

JUDGMENT

(Judgment of the Court was delivered by G.R.SWAMINATHAN, J.)

This writ appeal is directed against the order dated 22.04.2013 made in WP(MD)No.6589 of 2013 filed by the first respondent herein.

2.The case of the first respondent was that he was appointed as Secondary Grade Teacher in Sri Mukthi Vinayakar Middle School, Cumbum, Theni District on 24.07.1987. When the incumbent Headmaster of the school retired on 31.05.2010, the first respondent herein was promoted on 02.06.2010. The proposal promoting the first



respondent was sent for approval to the District Elementary Educational Officer, Theni. The District Elementary Educational Officer, Theni granted approval vide proceedings dated 21.07.2010. That being so, following some complaints from a third party, proceeding dated 20.02.2013 was issued by the DEEO, Theni followed by consequential proceedings dated 10.04.2013 by the Assistant Elementary Educational Officer, Cumbum calling upon the school management to appoint a new Headmaster in the school and directing the stoppage of salary to the first respondent herein. This was because the first respondent had obtained B.Lit., from Annamalai University and it was not a recognized one. Aggrieved by the same, the first respondent filed WP(MD)No.6589 of 2013. The learned Judge allowed the writ petition by placing reliance on G.O.Ms.No.242, dated 18.12.2012, whereby the degree obtained by the first respondent would stand recognized. Aggrieved by the order made in the writ petition, the Department is on appeal.

3.It cannot be denied that G.O.Ms.No.242, Higher Education Department, dated 18.12.2012 would cover the case of the first respondent. But the said Government Order was issued only on 18.12.2012. The first respondent cannot claim the benefit thereunder prior to the said date. Therefore, we modify the order made in the writ petition by directing the department to recognize the first respondent herein as Headmaster of the second respondent school with effect from 18.12.2012, when G.O.Ms.No.242, dated 18.12.2012 came to be issued.

4.This writ appeal is allowed in part with above modification. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1. The District Elementary Educational Officer,
Theni District, Theni.
2. The Assistant Elementary
Educational Officer,
Cumbum, Theni District.

+ 1 CC TO Mr.M.GNANAGURUNATHAN, ADVOCATE IN SR No. 75685
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 76048
SKM/ARUL
TE/SKN-RSK/SAR-I : 06/10/2017 : 2P/5C