

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2018

CORAM

THE Hon'ble Mr.JUSTICE T. RAJA

W.P.No.2831 of 2018

R.R.R.K. Middle School,
Sivagangai 630 561
Sigagangai District
rep by its Secretary
C. Suresh John Thomas

..... Petitioner

VS

1. The State of Tamil Nadu,
rep by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai – 600 009

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

3. The District Educational Officer,
Sivagangai,
Sivagangai District

4. The Assistant Elementary Educational Officer,
Sivagangai,
Sivagangai District

..... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus, directing the first respondent to pass orders on the Review Petition filed by the petitioner dated 24.08.2015 and to approve the appointment of Thiru.C. Suresh John Thomas in the post of Middle School Hedmaster of Petitioner School from the date of initial appointment on 25.08.2011 in the light of orders passed by this Hon'ble Court in W.A.(MD)No.112 of 2015 dated 29.04.2015 and other similar cases and the order of Government issued in G.O.Ms.No.120 School Education (tho.Ka.2(1) Department dated 03/07/2015 passed in similar cases.

For petitioners : Mr.G. Sankaran
For respondents : Ms.P. Rajalakshmi
AGP

ORDER

The Writ peition has been filed seeking a direction to issue a Writ of directing the first respondent to pass orders on the Review Petition filed by the petitioner dated 24.08.2015 and to approve the appointment of Thiru.C. Suresh John Thomas in the post of Middle School Headmaster of Petitioner School from the date of initial

appointment on 25.08.2011 in the light of orders passed by this Hon'ble Court in W.A.(MD)No.112 of 2015 dated 29.04.2015 and other similar cases and the order of Government issued in G.O.Ms.No.120 School Education (tho.Ka.2(1) Department dated 03/07/2015 passed in similar cases.

2. By consent of both sides, the main writ petition has been taken up for final hearing at the admission stage itself.

3. It is the case of the petitioner that the petitioner's School was established in the year 1955 and it is a Government Aided School, governed by the provisions of Tamil Nadu Recognized Private School Regulation Act and the Rules made thereunder. In the petitioner's School a vacancy to the post of Middle School Headmaster arose on 01.06.2011 and one Tmt.C. Lilly Luna Kumari, B.T. Assistant Teacher, working in the petitioner school, relinquished her promotion to the post of Middle School Headmaster, due to family circumstances. Therefore, the petitioner submitted an application to the third respondent, seeking permission to fill up the post of Middle School Headmaster by direct recruitment. Based on the same, the third respondent issued

orders dated 25.07.2011 permitting the petitioner School to fill up the post of Middle School Headmaster by direct recruitment.

4. It is also the case of the petitioner that the petitioner school conducted selection to the post of middle school headmaster and no one had participated in the selection. The Government issued orders in G.O.Ms.No.97 School Education Department dated 05.07.2011 granting relaxation of teaching experience to fill up the post of Middle School Headmaster in the absence of availability of qualified teachers relating to 5 years teaching experience. Accordingly, the petitioner was selected and appointed as Middle School Headmaster on 25.08.2011.

5. The proposal forwarded by the petitioner School to the Department was returned by the second respondent stating that the requirement of 5 years teaching experience cannot be relaxed. Therefore, the petitioner school submitted a representation/appeal petition to the first respondent. Since it is not considered the petitioner school filed a writ petition in WP No.25931 of 2014 wherein this Court passed orders on 24.09.2014 to consider and pass orders.

Consequently, the 1st respondent issued orders dated 27.4.2015 rejecting the proposal and stated that 5 years teaching experience cannot be relaxed. It is the further case of the petitioner that this Court in WA No.1408 of 2010 dated 08.12.2011 granting exemption for teaching experience for appointment to the post of Headmaster and similar orders were passed in Writ Appeals in WA (MD)No.1119 of 2014 and WA (MD)No.1404 of 2014. Further the Government issued orders in several cases. Under such circumstances, by referring the facts and circumstances of the case, the petitioner submitted a petition dated 24.08.2015 to the first respondent to review the earlier order dated 27.04.2015 and to grant approval of appointment of the petitioner in the school of middle school headmaster.

6. Mr.P.Rajalakshmi, learned Special Government Pleader takes notice for the respondents and submitted that the first respondent may be directed to consider and pass orders on the Review petition dated 24.08.2015, within a stipulated time.

7. The learned counsel for the petitioner submitted that it would be suffice to direct the first respondent to consider the Review

petition submitted by him on 24.08.2015 and pass orders within a stipulated time.

8. Having regard to the submissions made by the learned counsel on either side and also taking into consideration the limited prayer sought for in the writ petition, without expressing any opinion with regard to the merits of the case, I direct the first respondent to consider the petitioner's Review petition dated 24.08.2015 and pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

9. With the above observation, the writ petition is disposed of. No costs.

09-02-2018

sr

Index:yes/no
website:yes/no

WEB COPY

To

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Secretariat, Fort St. George,
Chennai – 600 009
2. The Director of Elementary Education,
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T. RAJA,J.,

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