



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.4940 of 2013

S.Pondy

... Petitioner

-vs-

1. The Joint Director of School Education,
(Higher Secondary),
College Road,
Chennai-6.
2. The Chief Educational Officer,
Dindigul.
3. The District Educational Officer,
Dindigul.
4. The Secretary,
Devanagar Higher Secondary School,
Chinnalpatti,
Dindigul District.
5. The Secretary,
Education Department,
Fort St.George,
Chennai-09.

(R5 impleaded vide order of this Court made in
M.P(MD)No.1 of 2013, dated 7.3.2014)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to consider the representation of the Petitioner, dated 21.1.2012.

For Petitioner	: M/s.R.T.Shyamala
For Respondents	: Mr.M.Muthu,
1 to 4	Addl. Government Pleader
For Respondent-5	: Dismissed for default vide
	order dated 7.4.2016.

**ORDER**

The relief sought for in this Writ Petition is for a direction to consider the representation of the Petitioner, dated 21.1.2012.

2.The representation submitted by the Writ Petitioner states that his appointment as Headmaster is to be regulated. The Petitioner claims that he was working as Headmaster in Devanagar Higher Secondary School, Chinnalpatti, Dindigul District from 1.7.1991 to 21.1.2000. The Petitioner states that one Mr.M.Ganesan has challenged the order of appointment of the Petitioner as Headmaster. However, he was also not promoted. Therefore, the services of the Writ Petitioner as Headmaster is to be regulated by the respondents.

3.The learned Additional Government Pleader appearing on behalf of the respondents 1 to 4 states that the Writ Petitioner's appointment as Headmaster on 1.7.1991 was not approved by the educational authorities. Further, his appointment by the Management was cancelled by the first respondent by proceeding, dated 12.8.1992. Challenging the same, the Petitioner filed W.P.No.13232 of 1992 and an interim order was granted. The fourth respondent has also preferred a Writ Petition in W.P.No.14095 of 1992. Both the Writ Petitions were dismissed.

4.The Respondents have taken a stand that the appointment of the Writ Petitioner is not approved by the educational authorities. Therefore, the salary is to be paid only by the management and not by the Government. At the outset, the Government has not approved the appointment of the Writ Petitioner as Headmaster. Therefore the same cannot be paid to the Writ Petitioner. This apart, the Writ Petitioner is now praying to grant regularization in respect of the services rendered by him from 1.7.1991 to 21.1.2000. But the present Writ Petition was filed on 27.3.2013 after a lapse of 13 years from the date of completion of his service as Headmaster. Even at the time of filing of the present Writ Petition, the Petitioner was aged 61 years. This being the factum of the case, the Writ Petition is liable to be rejected on the ground of laches also. However, the fact remains that the appointment of the Writ Petitioner had not been approved by the educational authorities. Now the present Writ Petition is filed belatedly.

5.Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (AS)

/True Copy/



1. The Joint Director of School Education,
(Higher Secondary),
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3. The District Educational Officer,
Dindigul.

4. The Secretary,
Education Department,
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Chennai-09.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 50263

VSN

TE/JC/SAR-3 : 01/03/2018 : 3P/6C

W.P. (MD) No.4940 of 2013
20.02.2018