

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.35233 of 2019
and W.M.P No.36039 of 2019

Nakkeeranan Middle School,
Keerakkalur 614 715,
Thiruthuraipoondi Taluk,
Thiruvarur District, Rep. by its Secretary,
T.Tamilselvan, S/o.Thiagaraja Pillai.

Petitioner

vs.

1. The Chief Educational Officer,
Thiruvarur District, Thiruvarur.
2. The District Educational Officer,
Mannargudi Education District,
Thiruvarur District.
3. The Block Educational Officer,
Thiruthuraipoondi Block,
Thiruvarur District.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings issued by the 2nd respondent bearing O.Mu.No.4680/Aa4/2019 dated 04.10.2019 and to quash the same and consequently direct the respondents to approve the appointment of Thiru.G.Arunkumar in the post of Headmaster of the petitioner School with effect from 08.04.2019 based on the proposal submitted by the petitioner school on 08.04.2019 with all consequential and other service benefits including the payment of salary from the date of appointment, with a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents: Mrs.V.Annalakshmi
Government Advocate

O R D E R

This writ petition has been filed challenging the impugned proceedings of the 2nd respondent dated 04.10.2019 and for a consequential direction to the respondents to approve the appointment of Headmaster in the petitioner's school.

2.The post of Headmaster was lying vacant in the petitioner school from 01.06.2018. The petitioner school had intimated this to the 2nd respondent and had also sought for permission to fill up the post of Headmaster. No orders were passed and in the mean time, the petitioner school wanted to fill up the post since it is a key post for the administration of the school. Consequently, one G.Arunkumar was appointed as Headmaster on 08.04.2019. Thereafter, a proposal was forwarded by the petitioner school to the 2nd respondent along with all the documents seeking for approval of the appointment. This proposal has been returned by the 2nd respondent through his impugned proceedings dated 04.10.2019. This has become a subject matter of challenge in the present writ petition.

3.Mr.G.Sankaran, learned counsel appearing on behalf of the petitioner submitted that the 2nd respondent has admitted the fact that the 2nd respondent school had received the proposal to fill up the post of Headmaster which fell vacant due to the retirement of the incumbent on 31.05.2018. The learned counsel submitted that the 2nd respondent has proceeded to return back the proposal on the ground that no new teacher can be appointed and the surplus teachers will have to be first accommodated by redeployment. That apart the other reasons given by the 2nd respondent is not clear. Therefore, the learned counsel submitted that the impugned proceedings of the 2nd respondent requires interference.

4.Mrs.V.Annalakshmi, learned Government Advocate appearing on behalf of the respondents submitted that the petitioner school can be directed to resubmit the proposal with all particulars and same will be considered in accordance with law.

5.This Court has carefully considered the submissions made on either side and also the materials available on record.

6.The proceedings of the 2nd respondent dated 04.10.2019 lacks clarity. The respondents were aware of the fact that the post of Headmaster fell vacant, in view of the fact that the incumbent retired on 31.05.2018. The petitioner school had no other alternative except to fill up the post since, it is a post which involves taking important administrative decisions. After appointment, the proposal was sent to the 2nd respondent. The 2nd respondent has taken note of G.O.Ms.No.165, dated 17.09.2019, in his proceedings. It is not known how this Government order will apply to the facts of the present case. Since the said Government order only talks about surplus teachers being redeployed to the schools, this cannot be applied in the case of Headmaster. Therefore, the basis on which the consideration was made by the 2nd respondent is not correct. That apart, the 2nd respondent has not given any valid reason for the rejection of the proposal. Therefore, the impugned proceedings of the 2nd respondent dated 04.10.2019

requires interference.

7.In the result, the impugned proceedings of the 2nd respondent dated 04.10.2019 is hereby set aside and the petitioner is directed to resubmit the proposal for approval of the appointment of G.Arunkumar in the post of Headmaster and the 2nd respondent shall consider the same in accordance with law and pass appropriate orders within a period of four weeks from the date of receipt of copy of this order.

8.This writ petition is disposed of with the above directions. Consequently, connected miscellaneous petition is closed. No Costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ssr
To

1. The Chief Educational Officer,
Thiruvarur District, Thiruvarur.
2. The District Educational Officer,
Mannargudi Education District,
Thiruvarur District.
3. The Block Educational Officer,
Thiruthuraipoondi Block,
Thiruvarur District.

+1 cc to Government Pleader Sr.No. 106730
+1cc to Mr.G.Sankaran , Advocate SR.No. 106321

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A.SK(27/01/2020)

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