



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

WP(MD)No.13150 of 2019 and
WMP(MD).No.9790 of 2019

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Dr. V. Ramakrishnan

... Petitioner

Vs.

1.The Chief Educational Officer,
Trichy - 620 008.

2.The District Educational Officer,
Trichy - 620 001.

3.The Secretary,
ER Higher Secondary School,
B13/18 B-Block parsn Delta Enclave,
Mambala Salai,
TV.Koil, Trichy -5.

4.S. Chandran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to fill up the vacancy in the post of Headmaster at E.R. Higher Secondary School, Trichy by promoting the petitioner by following the procedure contemplated under the Tamil Nadu recognized private schools Regulation Act and Rules within a time frame fixed by this Court.

For Petitioner : Mr.B. Saravanan

For R1 and R2 : Mrs. S. Srimathy

Special Government Pleader

For R3 : Mr. V. Panneer Selvam

for M/s. C.S. Associates

ORDER

This Writ Petition has been filed for issuing a direction to the respondents 1 to 3, to fill up the vacancy in the post of Headmaster at E.R. Higher Secondary School, Trichy, promoting the petitioner, by following the procedure contemplated under the Tamil Nadu Recognized Private Schools Regulation Act and Rules, within

the time frame to be fixed by this Court.

2. Mrs. S. Srimathy, learned Special Government Pleader takes notice for the respondents 1 and 2. Mr. V.S. Panneer Selvam, learned counsel takes notice for 3rd respondent. By the consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, he was appointed as Post Graduate Assistant on 30.10.1995 in E.R. Higher Secondary School, Trichy. The former Headmaster of the School, Viz., R. Sundar attained superannuation on 31.05.2017 and the post of Headmaster in the said school became vacant from 01.06.2017 onwards. The petitioner is the senior most PG Assistant and he is eligible for promotion to the post of Headmaster of the school, since one N. Sathyamoorthi, PG Assistant, who is senior to the petitioner, declined his right of promotion to the post of the Headmaster. In the meanwhile, one C.R. Manohar, who is Junior of the petitioner, was promoted to the post of Headmaster in the said school, by the third respondent. Challenging the same, the petitioner has filed W.P (MD).No.3836 of 2018, before this Court and the same is pending. In the meanwhile, as the said incumbent viz., C.R. Manohar, was due to retire from service on 31.05.2019, the petitioner made a representation, dated 15.04.2019, to the second respondent seeking to consider him for promotion to the post of Headmaster, since he is fully qualified for the post of Headmaster. But, without following the procedure, the third respondent has allowed the petitioner to act as Headmaster (in charge) of the ER Higher Secondary School and they have not taken any steps to fill up the vacancy in the post of Headmaster as per Rule 15(4) of the Tamil Nadu Recognized Private Schools Rules, 1974. In such circumstances, the petitioner has filed the present Writ Petition.

4. Mr. V. Panneer Selvam, learned counsel appearing for the third respondent School would submit that the allegations of the petitioner is not correct. The learned counsel undertakes before this Court that the third respondent School would initiate the selection process and appoint Headmaster of the School as per Rule 15(4) of the Tamil Nadu Recognized Private Schools Rules, 1974, within a period of three months.

5. In the light of the aforesaid submission made by the learned counsel for the third respondent, this Court, without expressing any opinion on the merits of the case, directs the third respondent to complete the exercise of filling up the vacancy to the post of Headmaster in the third respondent school in accordance with rules, within a period of three months from the date of receipt of a copy of this order, failing which, the Educational authorities are directed to take action against the third respondent for non-compliance of the order, under the provisions of Tamil Nadu Recognized Private Schools Rules, 1974.



6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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// True Copy //

Sd/-

Assistant Registrar (AD I)

Sub Assistant Registrar (CS)

To

1.The Chief Educational Officer,
Trichy - 620 008.

2.The District Educational Officer,
Trichy - 620 001.

3.The Secretary,
ER Higher Secondary School,
B13/18 B-Block parsn Delta Enclave,
Mambala Salai,
TV.Koil, Trichy -5.

+1 CC to M/s.V.PANNEER SELVAM, Advocate (SR-70131[F] dated
20/06/2019)

+1 CC to M/s.SPL GP (SR-70435[F], SR-70440[F] dated 21/06/2019)

+1 CC to M/s.B.SARAVANAN, Advocate (SR-70720[F] dated 21/06/2019)

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