



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P. (MD) No.10960 of 2015

and

M.P. (MD) No.1 of 2015

M.Meenachi Sundaram

... Petitioner

vs.

1.The State of Tamil Nadu
represented by its Secretary to Government
School Education Department
St.George Fort, Chennai-600 009

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

3.The District Elementary Educational Officer
Virudhunagar District ... Respondents
[R3 impleaded suo motu vide order dated 19.07.2019]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to promote the Science Graduates with B.Ed. Qualification to the post of Assistant Elementary Educational Officer (Science) in Tamil Nadu Elementary Educational Subordinate Service by way of promotion.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mrs.S.Srimathy
Special Government Pleader

O R D E R

The relief sought for in the present writ petition is for a direction to the respondents to promote the Science Graduates with B.Ed., qualification to the post of Assistant Elementary Educational Officer (Science) in Tamil Nadu Elementary Educational Subordinate Service, by way of promotion.

2. The learned counsel for the writ petitioner states that the writ petitioner has completed B.Sc., (Botany) Degree in the year 2000 and B.Ed., Degree in the year 2001. The writ petitioner was selected and appointed as B.T.Assistant, by the Teachers Recruitment Board, on 01.07.2004 and now, he is working as B.T.Assistant in the Panchayat Union Middle School at Panjampatti.



3. The learned counsel for the writ petitioner further states that the Government has issued G.O.(Ms) No.100, School Education Department, dated 27.06.2003 and held that the Secondary Grade Teachers are not efficient to handle the subjects of English, Mathematics and Science in respect of the classes 6, 7 and 8 and therefore, the Government decided to appoint the B.Ed., Degree holders in respect of the vacancies arose in the Middle Schools.

4. The grievance of the writ petitioner is that the Government issued G.O.(Ms) No.182, School Education Department, dated 25.07.2007, and permitted the second respondent to fill-up 50% of the vacancies in the post of Assistant Elementary Educational Officer by direct recruitment. In spite of the said Government Order, no action has been taken thereafter to fill-up the post of Assistant Elementary Educational Officer with Science subject. Thus, the writ petitioner is constrained to move the present writ petition.

5. The learned Special Government Pleader appearing for the respondents opposed the above contentions by stating that the writ petitioner is not an aggrieved person. The writ petitioner is not eligible for promotion to the post of Assistant Elementary Educational Officer.

6. The learned Special Government Pleader further submits that the writ petitioner, who is working in the cadre of B.T.Assistant, is eligible for promotion to the post of Middle School Headmaster. However, the writ petitioner is not eligible for promotion to the post of Assistant Elementary Educational Officer.

7. At this juncture, the learned counsel for the writ petitioner submits that if there is no eligible candidate, the case of the writ petitioner is to be considered. Such an argument is a remote idea, which cannot be considered in the present writ petition.

8. This Court is of the considered opinion that the writ petitioner is not working in the feeder category of Middle School Headmaster for promotion to the post of Assistant Elementary Educational Officer. The writ petitioner is working in the cadre of B.T.Assistant and therefore, the very relief sought for in the present writ petition is misconceived and the writ petitioner cannot be construed as an aggrieved person in the eye of law. Whenever the writ petitioner is promoted as Middle School Headmaster as per eligibility and seniority, thereafter, he can aspire for promotion to the post of Assistant Elementary Educational Officer.

9. As per Section 24 of the Right of Children to Free & Compulsory Education Act, 2009, the Teachers are bound to impart quality education to the students. Guidelines are issued by the Government for the purpose of imparting quality education to the children studying in Panchayat Union Middle Schools and Government



Schools. With reference to the guidelines and the orders issued by the Government and with reference to Section 24 of the Right of Children to Free & Compulsory Education Act, 2009, the District Educational Officers and the Chief Educational Officers are bound to conduct inspections in the Schools and ascertain, whether the Teachers are imparting education upto the standard prescribed by the Government Orders in force. In this regard, certain questionnaires are to be prepared and the questions are to be asked by the inspecting officials to the students and ascertain the knowledge and informations provided to the students by the Teachers. Thus, such an assessment of students is required for the purpose of evaluating the quality of education provided by these Teachers to the children.

10. For the purpose of issuing direction to conduct inspection, the District Elementary Educational Officer, Virudhunagar District, is *suo motu* impleaded as third respondent in the present writ petition, more specifically, for the limited purpose. Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents 1 and 2, accepts notice for the newly impleaded third respondent also.

11. Considering the facts and circumstances of the case, this Court is of an undoubted opinion that the present Writ Petition is an unnecessary one, in view of the fact that the writ petitioner is not even working in the feeder category for grant of promotion to the higher post of Assistant Elementary Educational Officer. When the writ petitioner is not even working in the feeder category and the writ petitioner is unable to establish that the rules regarding the promotions are violated, the present Writ Petition is to be treated as vexatious. Such litigations are to be rejected with costs. However, taking a lenient view, this Court is inclined to pass the following order:-

1.The relief as such sought for in the present Writ Petition stands rejected.

2.The third respondent / District Elementary Educational Officer, Virudhunagar District is directed to conduct an inspection in Panchayat Union Middle School at Panjampatti, Virudhunagar District, within a period of two weeks from the date of receipt of a copy of this order, in order to ascertain and evaluate the quality of education imparted by the writ petitioner to the children studying in the said school. In the event of finding any lapse, negligence or dereliction of duty on the part of the teachers or other staffs in the said school, all suitable actions are to be initiated under the Tamil Nadu Civil Services (Discipline and Appeal) Rules against all such officials and teachers."



12. With these directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To:

1.The Secretary to Government,
School Education Department,
State of Tamil Nadu,
St.George Fort, Chennai-600 009.

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

3.The District Elementary Educational Officer,
Virudhunagar District.

+1cc to Mr.M.SARAVANAKUMAR,Advocate, SR.No.76734

+1cc to THE SPL.GOVT.PLEADER SR.NO.76567

krk / myr
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NA (02.08.2019) 4P :6C