

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :03.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO.17016 of 2014
and
M.P.Nos.1 & 2 of 2014

P.Mohanadas

...Petitioner

- Vs -

- 1.The Director of Elementary Education,
DPI Campus, college Road,
Chennai 600 006.
- 2.The District Elementary Educational Officer,
DPI Campus, college Road,
Chennai 600 006.
- 3.The Assistant Elementary Educational Officer,
Adyar Range, NO.20, Bazaar Road,
Saidapet, Chennai 600 015.
- 4.The Correspondent,
Thiruvalluvar Gurukulam Middle School,
579, Anna Salai, Saidapet,
Chennai 600 015.

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the respondents to promote the petitioner to the post of Middle School Head master in the existing vacancy (from 01.07.2011) in the 4th respondent school based on the eligibility and seniority of the petitioner even as on the date of vacancy, within a time frame to be fixed by this court.

For Petitioner : M/S.G.Sankaran

For Respondents: Mr.S.Sureshkumar, G.A.,for RR1 to 3

: M/S.P.Mohanraj for R4

ORDER

This Writ Petition has been filed by the petitioner, to direct the respondents to promote the petitioner to the post of Middle School Head master in the existing vacancy (from 01.07.2011) in the 4th respondent school based on the eligibility and seniority of the petitioner even as on the date of vacancy, within a time frame to be fixed by this Court.

2.The case of the petitioner is that she was appointed as Junior Grade B.T.Assistant in the Thiruvallur Gurukulam Middle School i.e., 4th respondent herein from 15.12.2003. Subsequently, her service was regularised in the post of B.T.Assistant with regular pay with effect from 01.06.2006. Her next promotion is to the post of Middle School Headmaster. In this regard, a vacancy to the post of Middle School Headmaster arose in the 4th respondent school on 01.07.2011 due to the retirement of the incumbent Tmt.R.Vijayalakshmi on 30.06.2011. Since the petitioner is fully qualified for promotion to the post of Middle School Headmaster, she made an application to the 4th respondent school management to promote her as Middle School Headmaster in the existing vacancy. However her request has not been considered and the 4th respondent has not taken any steps to promote her in the existing vacancy to the post of Middle School Headmaster. Aggrieved against the inaction of the 4th respondent, the petitioner is filed the writ petition.

3. Learned counsel appearing for the petitioner submitted pursuant to the inspection, in view of certain disputes in the management of the School committee, proceedings were initiated against the school committee and direction was given by the 2nd and 3rd respondents to the 4th respondent school management to fill up the existing vacancy. However he further submitted that the school committee is not the authority for granting promotion and appointments made as per Section 18 of the Tamil Nadu Private School (Regulation) Act, 1974 and in terms of Rule 13. Hence this Court may permit the petitioner to make a representation to the Chief Educational Officer who is the competent authority for considering the grant of promotion to the petitioner.

4. A detailed counter affidavit has been filed by the 2nd respondent, stating that the Management of the School cannot make appointment to the vacant post of Middle School Headmaster since the School committee has not been approved by the District Elementary Education Officer, Chennai. It is therefore submitted that if the School Committee rejects the request of the petitioner, the petitioner has a chance to file before the appellate authority, which the petitioner would lose, if the petitioner is allowed to directly approach the appellate authority.

5. Learned counsel appearing for the 4th respondent, fairly conceded that there was a dispute in the management school committee and the said issue of direct payment is challenged before this Court.

6. This Court heard the submissions made by the learned counsel appearing on either side and also perused the materials available on record.

7. Though very many contentions and counter contentions have been raised by the learned counsel for the parties, however, in view of the limited request made by the learned counsel for the petitioner to file representation before the Chief Educational Officer for her appointment as Middle School Headmaster, this Court, without going into the merits of the case, permits the petitioner to make a fresh representation along with a copy of this order to the Chief Education Officer for considering her promotion to the post of Middle School Headmaster and if any such representation is received, the concerned Chief Educational Officer shall pass orders in accordance with law as expeditiously as possible.

8. With the above direction, this writ petition is disposed of. There shall be no order as to costs. Consequently connected miscellaneous petitions are closed.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

jrs

To

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

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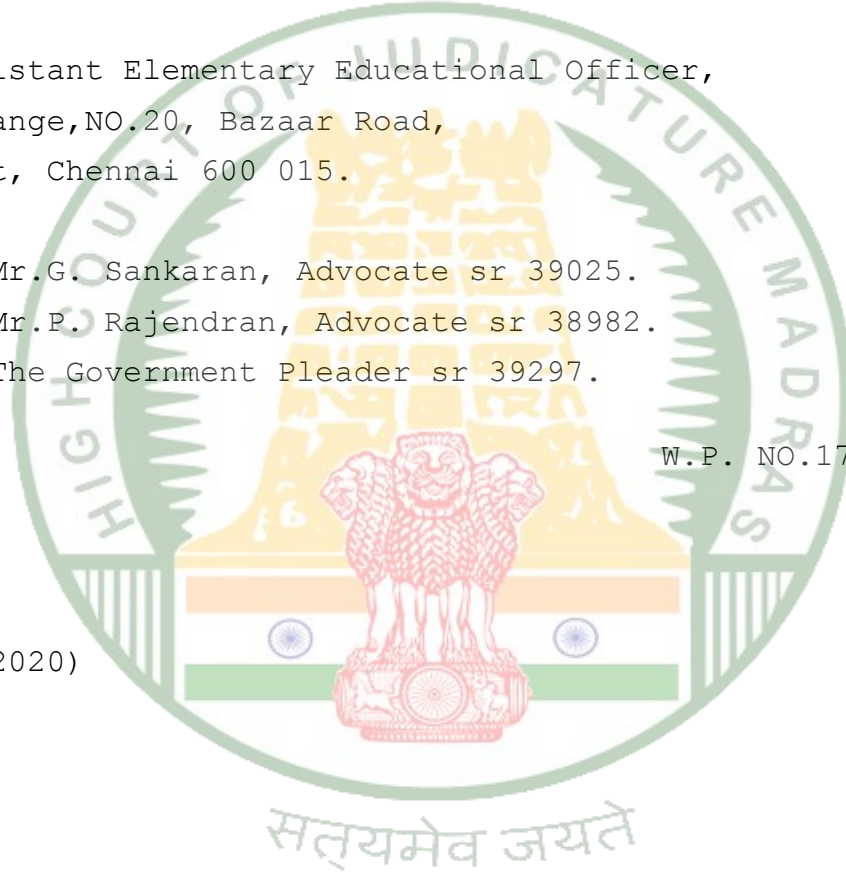
+1 CC to Mr.G. Sankaran, Advocate sr 39025.

+1 CC to Mr.P. Rajendran, Advocate sr 38982.

+1 CC to The Government Pleader sr 39297.

W.P. NO.17016 of 2014

BP(CO)
SP(21/12/2020)



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