



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.3404 of 2020

and

WMP (MD) .No.2864 of 2020

Dr.V.Ramakrishnan

... Petitioner

vs.

1.The Director of School Education
College Road, Chennai 600 006

2.The Joint Director of School Education
(Higher Secondary)
College Road, Chennai 600 006

3.The Chief Educational Officer
Trichirapalli District
Trichy 620 008

4.The District Educational Officer
Trichy, Collectorate Campus
Trichy 620 001

5.The Secretary
ER Higher Secondary School
Near Anna Statue, West Chinthamani
Trichy District 620 002

6.S.Chandran
The Headmaster (i/c)
E.R.Higher Secondary School
Trichy 620 002

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus, directing the second respondent Joint Director of School Education to consider the petitioner's appeal to him dated 07.12.2019 preferred under Rule 15(4-A) of the Tamil Nadu Private Schools Regulation Rules, 1974 and pass orders thereon, within a period as may be stipulated by this Court.



For Petitioner : Mr.K.Ragatheesh Kumar
For M/s.Isaac Chambers
For R1 to R4 : Mr.A.Thiyagarajan
Government Advocate
For R5 : Mr.V.Panneerselvam

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O R D E R

This Writ petition has been filed for a direction to the second respondent Joint Director of School Education to consider the petitioner's appeal to him dated 07.12.2019 preferred under Rule 15(4-A) of the Tamil Nadu Private Schools Regulation Rules, 1974 and pass orders thereon.

2.By consent of parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner that the fifth respondent School is a recognized aided School in which, the petitioner was appointed as P.G.Assistant(Chemistry) on 30.10.1995. The grievance of the petitioner is that the sixth respondent is five years junior than the petitioner in the post of P.G.Assistant and he had completed Post Graduation in distance education and holding the post of P.G.Assistant on Cross-major. Whereas the petitioner is the senior most P.G.Assistant in the School and he got Ph.D., in Chemistry, produced centum result in several years. Under such circumstances, against the promotion order passed to the sixth respondent, the petitioner preferred a statutory appeal before the second respondent, Joint Director under Rule 15(4)(A) of the Tamil Nadu Recognized Private Schools (Regulation) Rules on 07.12.2019 with relevant supporting documents. But, so far, no order has been passed by the second respondent. Hence, the petitioner is before this Court. Thus, he prayed to direct the second respondent to consider the petitioner's appeal, dated 07.12.2019, within a stipulated time.

4.The learned counsel for the petitioner would submit that the appeal filed by the petitioner is a statutory appeal as a remedy provided to the teachers aggrieved by any order passed under Rule 15(4) of the Tamil Nadu Recognized Private Schools (Regulation) Rules. The alleged promotion provided to the sixth respondent was issued under Rule 15(4) of the Rules. Therefore, the second respondent, Joint Director is bound to consider the petitioner's appeal.



5.The learned Government Advocate appearing for the respondents 1 to 4 would submit that the second respondent will consider the appeal of the petitioner dated 07.12.2019 as early as possible.

6. Considering the facts and circumstances of the case and also considering the submission of the learned counsel for the petitioner, the second respondent is directed to consider the appeal of the petitioner dated 07.12.2019 and pass appropriate order on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7. This Writ Petition stands disposed of accordingly. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa

To:-

1.The Director of School Education
College Road, Chennai 600 006

2.The Joint Director of School Education
(Higher Secondary)
College Road, Chennai 600 006

3.The Chief Educational Officer
Trichirapalli District
Trichy 620 008

4.The District Educational Officer
Trichy, Collectorate Campus
Trichy 620 001

+1 CC to M/s.SPL.GP (SR-10348[F] dated 06/03/2020)

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-10488[F] dated
06/03/2020)



+1 CC to M/s.V.PANNEERSELVAM, Advocate (SR-10462[F] dated
06/03/2020)

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CV/ (12.05.2020) 4P 8C