



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.9104 of 2020

D.Agnus Kovilpilai

... Petitioner

Vs.

1) The District Educational Officer,
Sankarankovil,
Tirunelveli District.

2) The Block Educational Officer,
Sankarankovil,
Tirunelveli District.

3) The Co-ordinator,
Block Resource Centre,
Gomathi Ambal Government Boys Higher
Secondary School campus,
Sankarankovil,
Tirunelveli District.

... Respondents

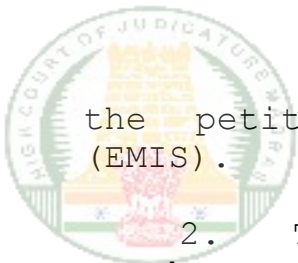
PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 2nd respondent in his proceedings in Na.Ka.No.14/A2/2019 dated 21/05/2020 and quash the same and direct the respondents to grant permission to study B.Ed. Course and registered the same in service register and register the profile of the petitioner in Educational Management Information System (EMIS).

For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mrs.S.Srimathy,
Special Government Pleader

O R D E R

The prayer sought for in this writ petition is for a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 2nd respondent in his proceedings in Na.Ka.No.14/A2/2019 dated 21/05/2020 and quash the same and direct the respondents to grant permission to study B.Ed. course and register the same in service register and register the profile of



the petitioner in Educational Management Information System (EMIS).

2. The petitioner was originally working as Secondary Grade Teacher at Hindu Harijan Middle School at Vadanathampatti, Sankarankovil Union, Tirunelveli District from 05.02.2017. Due to reduction of students strength, the above said School has been converted into one-teacher School. Therefore, it became necessitated for the Education Department to transfer the petitioner to a Panchayat Union School and accordingly, by order dated 08.11.2019, she was posted at Panchayat Union Middle School at Vadavanathampatti.

3. At that time, the petitioner wanted to pursue the B.Ed., course and she sought for the permission from the official Authorities, enabling the petitioner to join in the B.Ed., course and when such a request was made, the second respondent vide his communication, dated 19.07.2019, stated that, after getting clarification from the higher Authorities, the request of the petitioner would be considered.

4. However, the said request made by the petitioner from the year 2016 since has not been considered, it seems that, the petitioner had joined the course and she is pursuing the same. In the meanwhile, now, an order has been passed by the second respondent stating that, pursuant to the Mandamus issued by this Court in W.P.(MD) No.25662 of 2019 filed by the petitioner, who sought for a direction to consider his request for getting permission to pursue B.Ed., course, which was considered and on consideration, the second respondent has stated that, the second respondent is not the proper Authority to consider the request of the petitioner to grant permission to pursue the B.Ed. course and accordingly, he is not in a position to give such permission and therefore, rejected the request of the petitioner, by order, dated 21.05.2020. Challenging the said order, the present writ petition has been filed.

5. Mr.V.Panneer Selvam, learned counsel appearing for the petitioner would submit that, from the year 2018 onwards, the issue is pending with the official respondents and if at all, the second respondent is not the proper Authority to consider the application, it can be forwarded to any other higher Authority, like the first respondent. Without having made the same, the second respondent has now rejected the request of the petitioner, on such a reason, which according to the learned counsel for the petitioner, is not only flimsy but also unacceptable one. Therefore, the impugned order can be interfered with and a suitable direction can be given to the concerned Authority to decide the petitioner's application seeking permission for



pursuing the B.Ed., course.

6. Mrs.S.Srimathy, learned Special Government Pleader would submit that, the second respondent is not the proper Authority to consider the request made by the petitioner seeking permission to pursue the B.E.d., course. However, the first respondent/ District Educational Officer is the Authority. Hence, the said request of the petitioner would be considered by the first respondent on merits.

7. The said submission made by the learned Special Government Pleader is taken note of and accordingly, this Court is inclined to remand this matter back to the first respondent after setting aside the impugned order, dated 21.05.2020 to the first respondent for considering the same and to pass appropriate orders in this regard.

8. Resultantly, the impugned order in Na.Ka.No.14/A2/2019, dated 21.05.2020 is quashed and the matter is remanded back to the first respondent for consideration, as the first respondent is the proper Authority to decide the issue raised by the petitioner seeking permission to pursue B.Ed., course.

9. Therefore, the first respondent shall consider the request of the petitioner on merits and decide the same within a period of six weeks from the date of receipt of a copy of this order. In this regard, if any ancillary issue is pending, the petitioner is at liberty to make a request to the first respondent and on receipt of the same, while considering the present remand order, the first respondent can also consider the same and decide them on merits and in accordance with law.

10. With these directions, the Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To:

1) The District Educational Officer,
Sankarankovil,
Tirunelveli District.

2) The Block Educational Officer,
Sankarankovil,
Tirunelveli District.

Order made in
W.P. (MD) No.9104 of 2020
Dated: 21.08.2020

SCR(CO)
TR(22.09.2020) 4P 3C