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W.P.(MD)Nos.17150 of 2013 and 703 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2021

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THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P. (MD)Nos.17150 of 2013 and 703 of 2014

and

M.P. (MD)Nos.1 and 2 of 2014

W.P. (MD)No.17150 of 2013:

M.Ukkirapandian

... Petitioner

vs.

- 1.The Joint Director,
Higher Secondary Education,
College Road, Chennai - 600 006.
- 2.The Chief Educational Officer,
Virudhunagar, Virudhunagar District.
- 3.The District Educational Officer,
Srivilliputhur,
Srivilliputhur Educational District,
Virudhunagar District.
- 4.The Secretary,
G.S.Hindu Higher Secondary School,
Srivilliputhur-626 125,
Virudhunagar District.

5.R.Balasubramanian

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the Respondent No.3 to approve the promotion of the petitioner to the post of P.G.Assistant in Economics, with effect from the date of promotion, i.e., 06.08.2012, without entertaining the objections if any from the Respondent No.5.

For Petitioner : Mr.Karthik

for Mr.T.Lajapathi Roy

For R1 to R3 : Mr.J.K.Jayaselan

Government Advocate



For R4 : Mr.G.Prabhu Rajadurai
for M/s.G.Kavitha

For R5 : Mr.T.Pon Ram Kumar

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W.P. (MD) No. 703 of 2014:

R.Balasubramanian ... Petitioner

vs.

1.The Joint Director of School Education,
Higher Secondary Education,
College Road, Chennai - 600 006.

2.The Chief Educational Officer,
Virudhunagar, Virudhunagar District.

3.The District Educational Officer,
Srivilliputhur,
Srivilliputhur Educational District,
Virudhunagar District.

4.The Secretary,
G.S.Hindu Higher Secondary School,
Srivilliputhur-626 125,
Virudhunagar District.

5.M.Ukkirapandian ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records connected with the impugned order of promotion, promoting the fifth respondent as P.G.Assistant (Economics) with effect from 06.08.2012, passed by the fourth respondent, dated 06.08.2012 and to quash the same and to direct the fourth respondent to promote the petitioner as P.G.Assistant (Economics) with effect from 06.08.2012, with all consequential benefits as per rule 15(4) (i) of Tamilnadu Recognised Private Schools (Regulations) 1974.

For Petitioner : Mr.T.Pon Ram Kumar

For R1 to R3 : Mr.J.K.Jayaselan
Government Advocate

For R4 : Mr.G.Prabhu Rajadurai
for M/s.G.Kavitha



For R5

: Mr.Karthik
for Mr.T.Lajapathi Roy

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COMMON ORDER

The Writ Petition in W.P.(MD)No.17150 of 2013, is filed for issuance of Writ of Mandamus, to direct the Respondent No.3 to approve the promotion of the petitioner to the post of P.G.Assistant in Economics, with effect from the date of promotion, i.e., 06.08.2012, without entertaining the objections if any from the Respondent No.5.

2.The Writ Petition in W.P.(MD)No.703 of 2014, is filed for issuance of Writ of Certiorarified Mandamus, to call for the records connected with the impugned order of promotion, promoting the fifth respondent as P.G.Assistant (Economics) with effect from 06.08.2012, passed by the fourth respondent, dated 06.08.2012 and to quash the same and to direct the fourth respondent to promote the petitioner as P.G.Assistant (Economics) with effect from 06.08.2012, with all consequential benefits as per rule 15(4)(i) of Tamilnadu Recognised Private Schools (Regulations) 1974.

3. The case of the writ petitioner Mr. Balasubramanian is that, under Rule 15(4)(i) of the Tamil Nadu Recognized Private Schools (Regulation) Rules, 1974 merit and ability ought to be considered and he claims he is meritorious that Ukkirapandian. The said Mr. Balasubramanian relied on the marks awarded during the selection process and the resolution passed by the Management after the selection process. The selection committee has granted five marks for both the candidates under the head "Previous Experience".

4. The contention of the said Mr. Balasubramanian is that in the year 2004 the said Ukkirapandian was having experience of B.T. Assistant only and his name cannot be considered. This contention is baseless, since the selection process was conducted on 03.08.2012 i.e. for the year 2012 and the committee ought to take into account the service particulars of the candidates as in the year 2012.

5. The Learned Counsel for the management stated the official respondents have not approved the promotion of Unkkkirapandian and the proposal is still lying before the Chief Educational Officer. Therefore this Court without going into the merits of the case is directing the CEO to consider the proposals submitted by the School on 30.03.2013. The CEO shall consider the entire issue under Rule 15 (4)(i) of the Tamil Nadu Recognized Private Schools (Regulation) Rules, 1974 and pass appropriate orders within a period of four weeks from the date of receipt of the copy of the order.



6. Accordingly, the Writ Petitions are disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar (CS)

Tmg

To

1. The Joint Director,
Higher Secondary Education,
College Road, Chennai - 600 006.
2. The Chief Educational Officer,
Virudhunagar, Virudhunagar District.
3. The District Educational Officer,
Srivilliputhur,
Srivilliputhur Educational District,
Virudhunagar District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-38516[F] dated 14/12/2021)

+2 CC to M/s.T.PON RAMKUMAR, Advocate (SR-38707[F] dated 14/12/2021)

W.P.(MD)Nos.17150 of 2013 and 703 of 2014
13.12.2021

RD(4.01.2022) 4P 7C