



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2021

C O R A M

WEB COPY

THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. (MD) No. 9955 of 2013

Sundarambal Middle School,
Rep. by its Educational Agency,
G.Joseph Jeyaseelan,
No. 2, Keeraithurai,
Madurai - 1.

... Petitioner

-vs-

1. The District Elementary Educational Officer,
D.E.E.O.'s Office,
R.M.S. Road,
Madurai - 1.

2. The Additional Assistant Elementary Educational Officer,
South Range,
South Chitrai Street,
Madurai - 1.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the First Respondent herein to approve the proposal of the Petitioner School, Graduate Teacher G.Arockia Sahaya Rani dated 23.06.2010 in terms of G.O. (Ms) No. 134, School Education (G2) Department dated 15.06.2007.

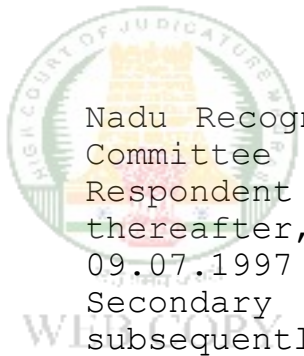
For Petitioner : Mr. C.Godwin

For Respondents : Mr. D.Gandhiraj,
Counsel appearing for the
Government of Tamil Nadu

O R D E R
(through video conference)

Heard Mr. C.Godwin, Learned Counsel for the Petitioner and Mr. D.Gandhiraj, Learned Counsel representing the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2.The Petitioner is a recognized private school receiving grant-in-aid from the Government of Tamil Nadu for payment of salaries to its teachers and governed by the provision of the Tamil



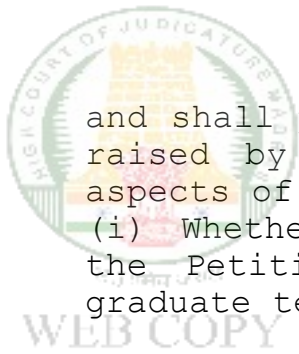
Nadu Recognized Private Schools (Regulation) Act, 1973. The School Committee of the Petitioner had been approved by the First Respondent for the period from 08.07.1994 to 08.07.1997 and thereafter, it was placed under direct payment system from 09.07.1997 onwards. One G.Arockia Sahaya Rani was appointed as Secondary Grade Teacher on 01.08.1997 in that school and subsequently, she was promoted as graduate teacher on 01.06.2010 in an existing vacancy. It is stated that the Petitioner had sent a proposal dated 23.06.2010 to the First Respondent through the Second Respondent for approving that promotion of the said G.Arockia Sahaya Rani. Since no action has been taken thereon, the Petitioner has filed this Writ Petition for directing the First Respondent to approve the proposal of the Petitioner/School in promoting the said G.Arockia Sahaya Rani as graduate teacher in terms of G.O. (Ms) No. 134, School Education (G2) Department dated 15.06.2007 issued by the Government of Tamil Nadu.

3.It has been further brought to notice that for the same reason, the promotion of one G.Joseph Jeyaseelan as Middle School Headmaster with effect from 01.07.2005 in that school had not been approved and pursuant to the order dated 12.03.2020 in W.P. (MD) No. 4829 of 2012 passed by this Court, the First Respondent by order in Na. Ka. No. 4544/A5/2018 dated 07.09.2020 has approved the appointment of the said G.Josheph Jeyaseelan.

4.In the Counter-Affidavit dated 30.10.2013 filed by the First Respondent, it is stated that since the constitution of the School Committee had not been approved during the period from 09.07.1997 to 02.08.2012, the approval for promotion of the said G.Arockia Sahaya Rani as graduate teacher with effect from 01.06.2010 made during that period, could not be granted.

5.Though it is true that the School Committee is the competent authority under Section 18(1)(b) of the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973, to appoint teachers and other employees of the school as contended by the Respondents, it has not been shown as to how its actions during the period for which its constitution had not been approved by the concerned authority would not be valid. Moreover, it is admitted that the constitution of School Committee has been approved by the competent authority for the subsequent periods from 03.08.2012 to 02.08.2015 by order in Na. Ka. No. 7412/ Aa1/2001 dated 04.02.2013 and from 03.08.2015 to 02.08.2018 by order in Moo. Mu. No. 4028/Aa1/2015 dated 14.10.2015 passed by the concerned authority.

6.In view of the aforesaid subsequent events, it is deemed appropriate to direct the Respondents to examine the proposal made by the Petitioner for approval of promotion of the said G.Arockia Sahaya Rani as graduate teacher with effect from 01.06.2010 on merits and in accordance with law. The Respondents shall afford full hearing to the Petitioner and all persons concerned



and shall pass reasoned orders dealing with each of the contentions raised by the parties and in particular, the following germane aspects of the matter shall be specifically addressed:-

(i) Whether it is factually correct that the School Committee of the Petitioner had promoted the said G.Arockia Sahaya Rani as graduate teacher and if so, when?

(ii) Whether there is any legal impediment for the Respondents to approve the appointment of a graduate teacher of a school on the ground that the constitution of the School Committee (which had made such appointment) had not been approved as on that dated and if so, how?

(iii) Whether the said G.Arockia Sahaya Rani was duly qualified as on 01.06.2010 to hold the post of graduate teacher?

(iv) Whether the said G.Arockia Sahaya Rani had been actually functioning in the post of graduate teacher from 01.06.2010 onwards as claimed by the Petitioner?

The decision taken shall be communicated to the parties concerned under written acknowledgement and report of compliance in that regard shall be filed by 31.12.2021 before the Registrar (Judicial) of this Court.

The Writ Petition is disposed on the aforesaid terms. No costs.

Sd/-

Assistant Registrar (T&P)

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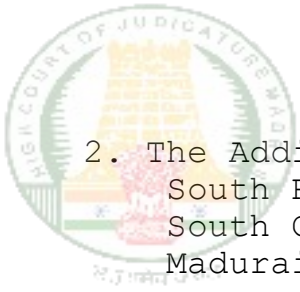
Sub Assistant Registrar(CS)

SRM/vjt

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 Elementary Educational Officer,
D.E.E.O.'s Office,
R.M.S. Road,
Madurai - 1.



2. The Additional Assistant Elementary Educational Officer,
South Range,
South Chitrai Street,
Madurai - 1.

Copy to

The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.C.GODWIN, Advocate (SR-20381[F] dated 28/06/2021)

+1 CC to M/s.SPL GP (SR-20456[F] dated 28/06/2021)

**W.P. (MD) No. 9955 of 2013
25.06.2021**

RK (15.09.2021) 4P 6C