



For Petitioner : Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers

For RR 1 to 4 : Mr.N.Shanmugaselvam
Additional Government Pleader

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ORDER

This Writ Petition is filed seeking a Writ of Mandamus, directing the third and fourth respondents to approve the petitioner's appointment by way of promotion as Headmistress in the fifth respondent School with effect from 20.07.2015 with all attendant benefits including the arrears of salary and allowances.

2.Mr.N.Shanmugaselvam, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 4.

3.According to the petitioner, she was appointed as P.G Assistant (Zoology) in the fifth respondent School with effect from 01.06.1997 and her appointment was approved only on 02.10.2001. Subsequently, the petitioner was promoted as Headmistress in the fifth respondent School on 20.07.2015, after the incumbent A.Ravichandran resigned his post due to personal reasons. The fifth respondent School sent a proposal to the respondents 1 to 4 for approval of the promotion of the petitioner as Headmistress on 03.08.2015. The respondents 1 to 4 did not pass any order on the proposal. Hence, the petitioner filed a Writ Petition in W.P(MD) No.17404 of 2015 seeking a direction to the fourth respondent to pass orders on the proposal dated 03.08.2015. This Court by the order, dated 05.03.2018, directed the respondents therein to consider the proposal submitted by the fifth respondent School, in the light of the observations made by the Court, within a period of four months, after affording due opportunity to all the parties concerned.

4.In the meanwhile, a dispute arose with regard to the Management between two rival groups. In the litigation initiated by one of the groups, the Principal Bench of this Court, by an order dated 31.07.2018, appointed the seventh respondent as Administrator of IELC. The seventh respondent, after verifying the documents produced by the petitioner and her Service records, approved her appointment as Headmistress with effect from 02.07.2015, vide proceedings, dated 17.06.2020. At the request of the petitioner, the seventh respondent transferred her to the sixth respondent School as Headmistress and the seventh respondent on the same day, sent a proposal to the respondents 3 and 4 seeking to approve her appointment by way of promotion as Headmistress from the initial date of appointment ie., on 20.07.2015 and also informed about her transfer as Headmistress to the sixth respondent School for the



purpose of disbursement of grant-in-aid towards salary. The

petitioner joined duty in the sixth respondent School, but the respondents 3 and 4, inspite of request made by the petitioner in person, did not pass any order on the proposal submitted by the seventh respondent. Hence, the petitioner has come out with the present Writ Petition.

5.The learned Additional Government Pleader appearing for the respondents 1 to 4 submitted that due to the internal dispute, the School was brought under direct payment system by the authorities. During that time, promotion was given and hence, the petitioner is not entitled for approval of her promotion from the date of her appointment and prayed for dismissal of the Writ Petition.

6.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 4.

7.From the materials available on record, it is seen that this Court in W.P(MD)No.17404 of 2015, by order dated 05.03.2018, directed the respondents therein to consider the proposal submitted by the fifth respondent within four months. The respondents 1 to 4 have not passed any order on the proposal sent by the fifth respondent within the time frame fixed by this Court. In the meanwhile, due to the dispute with regard to the Management, the Principal Bench of this Court appointed the seventh respondent as Administrator. The seventh respondent has approved the promotion of the petitioner as Headmistress and at her request, she was transferred to the sixth respondent School and sent the proposal to the respondents 3 and 4 for approval by way of promotion as Headmistress with effect from 20.07.2015. In view of the proposal sent by the seventh respondent/Administrator, who was appointed by the Principal Bench of this Court, the respondents 3 and 4 are bound to consider the proposal submitted by the seventh respondent and approve the promotion of the petitioner as Headmistress with effect from 20.07.2015.

8.In view of the above facts, the respondents 1 to 4 are directed to consider the approval of the appointment of the petitioner by way of promotion as Headmistress, taking into consideration the earlier order passed by this Court in W.P(MD) No.17404 of 2015, dated 05.03.2018, referred to above and pass orders on approving the appointment of the petitioner by way of promotion as Headmistress with effect from 20.07.2015.



9.With the above observation, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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.

PS

To

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George,
Chennai - 600 009.
- 2.The Director of School Education,
College Road,
Chennai - 600 009.
- 3.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.
- 4.The District Educational Officer,
Vallioor Educational District,
Tirunelveli District.

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-17697[F] dated 27/04/2021)

W.P(MD)No.8488 of 2021

26.04.2021