



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.06.2021

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD) No.8951 of 2021

WEB COPY

Rajesh Kanna

... Petitioner

Vs.

- 1.The Joint Director of School Education,
(Higher Secondary),
D.P.I.Complex,
College Road, Chennai.
- 2.The Chief Educational Officer,
Office of the Chief Educational Officer,
Dindigul District.
- 3.The District Educational Officer,
Office of the District Educational Office,
Dindigul.
- 4.The Secretary,
N.S.V.V.Boys Higher Secondary School,
Pattiveeranpatti - 624211,
Dindigul District.

5.Srikanth

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first respondent herein to dispose of the petitioner's appeal dated 01.09.2020 preferred under Rule 15(4)(a) of the Tamil Nadu Recognized Private Schools (Regulation) Rules, 1974, within the time stipulated by this Court.

For Petitioner

: Mr.M.Arun Srivastava

For R1 to R3

: Mr.P.Thilak Kumar,
Standing Counsel for Government

For R4

: Mr.N.Dilip Kumar

For R5

: Mr.V.Panneer Selvam

**ORDER**

This writ petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, directing the first respondent herein to dispose of the petitioner's appeal dated 01.09.2020 preferred under Rule 15(4)(a) of the Tamil Nadu Recognized Private Schools (Regulation) Rules, 1974, within a stipulated period.

2. The case of the petitioner is that he is working as a B.T., Assistant in English subject in the fourth respondent school, which is an aided Private School, from the year 2008. The petitioner has completed B.A., English and M.A., English in Regular Course and he has also completed B.Ed., Regular Course. According to the petitioner, he has been fighting for his promotion to the post of P.G.Assistant(English) since 2014. In the earlier round of litigation, the petitioner has filed W.P(MD)No.4709 of 2014, wherein this Court directed the school authorities to redo the exercise of giving promotion, afresh by following Rule 15(4) of the Tamil Nadu Private Recognized Schools(Regulations) Rules, 1974. Against which, the fifth respondent, who was allowed to continue in the post of Post Graduate Assistant(English) had preferred an appeal in W.A (MD)No.1299 of 2018 and the same was dismissed on 08.11.2018. However, without advertting to the above said vital facts, the fourth respondent has rejected the claim of the petitioner for promotion by the order made in Na.Ka.No.41D/20, dated 21.08.2020. Aggrieved over the said order, on 01.09.2020, he has filed an appeal before the first respondent challenging the order passed by the fourth respondent dated 21.08.2020. The said appeal is still pending without any consideration. Hence, this writ petition.

3. The learned counsel for the petitioner would state that it would be suffice if a direction is given to dispose of the appeal filed by the petitioner.

4. The learned standing counsel for the respondents 1 to 3 would state that the appeal filed by petitioner would be considered within a reasonable time.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. Considering the submissions of the learned counsel for the petitioner as well as the respondents and in the light of the facts and circumstances of the case, without going into the merits of the case projected by the petitioner, the first respondent is directed to dispose of the appeal filed by the petitioner, dated 01.09.2020, on merits and in accordance with law, by affording an opportunity of hearing to the petitioner as well as the respondents 4 and 5 and



pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order

7. With the above direction, the writ petition is disposed of.
No Costs.

WEB COPY

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pm

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 Joint Director of School Education,
(Higher Secondary),
D.P.I.Complex,
College Road, Chennai.
- 2.The Chief Educational Officer,
Office of the Chief Educational Officer,
Dindigul District.
- 3.The District Educational Officer,
Office of the District Educational Office,
Dindigul.

+1 CC to M/s.SPL GP (SR-18834[F] dated 04/06/2021),18653

+1 CC to M/s.M.ARUN SRIVATSAVA, Advocate (SR-18851[F] dated 07/06/2021)

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-18863[F] dated 07/06/2021)

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