



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2021

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)Nos.16051 & 18393 of 2020

W.M.P.(MD).Nos.13447, 15381 of 2020 & 1618 of 2021

WEB COPY

E.R.Higher Secondary School,  
Represented by its Secretary,  
R.Suseela Rengarajan,  
Chinthamani,  
Trichy.

...Petitioner in W.P.(MD).No.16051 of 2020

Dr.S.Chandran

...Petitioner in W.P.(MD).No.18393 of 2020

Versus

1.The Joint Director of School Education (Higher Secondary),  
Chennai. ...R1 in both petitions

2.The Chief Educational Officer,  
Trichy. ...R2 in both petitions

3.The District Educational Officer,  
Trichy. ...R3 in both petitions

4.The Secretary,  
E.R.Higher Secondary School,  
Chinthamani,  
Trichy. ...R4 in W.P.(MD).No.18393 of 2020

5.V.Ramakrishnan,  
P.G.Assistant,  
E.R.Higher Secondary School,  
Chinthamani,  
Trichy. ... R4 in W.P.(MD).No.16051 of 2020  
& R5 in W.P.(MD).No.18393 of 2020

**COMMON PRAYER:** Writ Petitions filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the first respondent in his proceedings in Na.Ka.No.07585/W5/E3/2020 dated 14.10.2020 and quash the same and direct the respondents to approve the promotion of Dr.S.Chandran as Headmaster with effect from 14.10.2019 with salary and confer all the consequential benefits.



For Petitioner : Mr.V.Panneer Selvam  
in W.P. (MD) .No.16051  
of 2020  
and R4

in W.P. (MD) .No.18393

WEB COPY of 2020

For Petitioner in : Mr.K.Hemakarthikeyan  
W.P. (MD) .No.18393 of  
2021

For R1 to R3 : Mr.J.Ashok  
in both petitions Additional Government Pleader

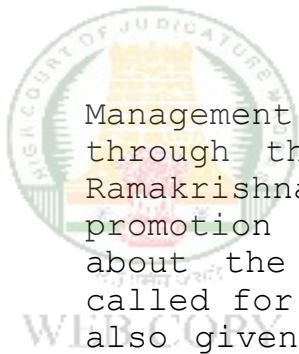
For R4 : Mr.Ragathesh Kumar  
in W.P. (MD) .No.16051 for M/s.Isaac Chambers  
of 2020 and  
R5 in W.P. (MD) .No.18393  
of 2020

### **C O M M O N O R D E R**

These Writ Petitions have been filed as against the order of the first respondent vide proceedings in Na.Ka.No.07585/W5/E3/2020, in and by which, the petitioner School in W.P.(MD).No.16051 of 2020 namely E.R.Higher Secondary School, was directed to conduct selection process for the post of Head Master afresh after giving proper notice to the fourth respondent in W.P.(MD).No.16051 of 2020/ fifth respondent in W.P. (MD) .No.18393 of 2020 namely V.Ramakrishnan.

2. The facts of the case are that the post of Headmaster was vacant in the above said school and they were taking steps to fill up the post of Head Master. During that time, the said Ramakrishnan has filed a writ petition in W.P.(MD).No.13150 of 2019 before this Court for a direction to promote him as Head Master by following the procedure contemplated under the Tamil Nadu Recognized Private School (Regulation) Rules and the same was disposed by this Court on 19.06.2019, directing the Management to fill up the post of Headmaster, as per Rule 15(4) of the Tamil Nadu Recognized Private School (Regulation) Rules. Thereafter, the first respondent has sent a communication to the said School to take immediate steps to comply with the direction issued by this Court dated 19.06.2019. Hence, a Selection Committee was appointed by the said school and they have also issued a circular on 09.10.2019 in the school notice board fixing the date and time for written test and interview.

3. On 13.10.2019, selection process was conducted, as per the said Rule. Dr.S.Chandran/petitioner in W.P. (MD) .No.18393 of 2020 was selected as Headmaster and he was given promotion. Thereafter, the



Management sent a proposal for approval to the second respondent through the third respondent on 14.10.2019. Meanwhile, the said Ramakrishnan has filed an appeal to the first respondent against the promotion of Dr.S.Chandran on the ground that he was not informed about the selection process and the first respondent, in turn, called for an explanation from the said School, for which, they have also given reply. However, without considering the same, the first respondent passed an order on 14.10.2020, directing the Management to conduct selection process afresh. Therefore, the School as well as Dr.S.Chandran are before this Court.

4. It appears that the selection process was conducted on 13.10.2019 by the school and Dr.Chandran was selected as Headmaster. However, Mr.Ramakrishnan claims that the Management has not informed about the selection process to him and no notice was served upon him. It is pertinent to point out that there is no material placed before this Court by the Management to prove that notice was issued to all the participants, who were participated in the selection process for the post of Head Master.

5. Under such circumstances, this Court is not inclined to interfere with the impugned order passed by the Appellate Authority. There shall be a direction to the petitioner school in W.P.(MD). No.16051 of 2020 to conduct the selection process afresh within a period of three months from the date of receipt of a copy of this order in accordance with law by providing notice to all the participants. The second respondent is directed to monitor the selection process as to whether it is conducted in fair and proper manner.

6. Accordingly, these Writ Petitions are dismissed. No costs. Consequently, W.M.P.(MD).No.13447 of 2020 is dismissed and W.M.P.(MD).Nos.1618 of 2021 and 15381 of 2020 are closed.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

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),  
Chennai.

2.The Chief Educational Officer,  
Trichy.

3.The District Educational Officer,  
Trichy.

+1 CC to M/s.ISAAC CHAMBERS, Advocate SR-35614[F] dated 24/11/2021

+1 CC to M/s.SPL GP ( SR-35722[F] dated 24/11/2021 )

+1 CC to M/s.V. PANNER SELVAM, Advocate ( SR-35952[F] dated  
25/11/2021 )

**W.P(MD)Nos.16051 & 18393 of 2020**

**23.11.2021**

kg (CO)

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