



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.10.2021

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P (MD)No.16264 of 2021

and

W.M.P (MD) .No.13113 of 2021

WEB COPY

M.Susila

... Petitioner

Vs.

1.The Director of School Education,
DPI Campus,
College Road,
Chennai-6.

2.The Joint Director of School Education (Higher Secondary),
DPI Campus, College Road,
Chennai-6.

3.The Chief Educational Officer,
O/o.the Chief Educational Officer,
Virudhunagar District.

4.The District Educational Officer,
O/o.the District Educational Officer,
Virudhunagar District.

5.M.N.M.S.P.S.N. Higher Secondary School,
Reperesented by its Secretary,
Mallakinar,
Kariyapatti Taluk,
Virudhunagar District - 626 109.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in O.Mu.No.2530/A2/2020 dated 05.11.2020 on the file of the Respondent No.4 and quash the same as illegal and consequently for a direction, directing the respondent No.3 to grant approval to the promotion granted to the petitioner in the post of PG Assistant in Tamil at 5th respondent School with effect from 10.07.2019 with all consequential monetary benefits along with arrears within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

<https://hcservices.ecourts.gov.in/hcservices/> For Respondents : Mr.S.Shanmugavel,
Standing Counsel.



ORDER

This Writ Petition has been filed, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in O.Mu.No.2530/A2/2020 dated 05.11.2020 on the file of the respondent No.4 and quash the same as illegal and a consequential direction to the respondent no.3 to grant approval to the promotion granted to the petitioner in the post of PG Assistant in Tamil at 5th respondent School with effect from 10.07.2019 with all consequential monetary benefits along with arrears within the time frame as stipulated by this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondent.

3. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. According to the petitioner, she was appointed as Lab Assistant on 10.07.1991 and thereafter, promoted as B.T.Assistant (Science) on 17.09.2008 in 5th respondent school. Later, since PG Assistant in Tamil fell vacant, the petitioner was promoted to the said post and necessary proposal was sent to the 3rd respondent through the respondent No.4 seeking approval of the same. But the said proposal was returned raising certain queries, which were clarified and resubmitted the proposal vide letter dated 24.08.2020. However, the said proposal once again returned vide impugned order dated 05.11.2020. Aggrieved by the same, the petitioner has come forward with the present Writ Petition.

5. A counter affidavit has been filed on behalf of the 4th respondent, stating that the petitioner was promoted as P.G.Assistant in Tamil by the Management and for the purpose of approval of the same, certain particulars were called for from the Management including the details of strength in VI to X standards and also XI and XII of the school with reference to EMIS. In fact, this respondent has not issued any orders accepting or rejecting the proposal, but only called for certain particulars as to whether the promotion has been ordered after following the norms prescribed under Rule 15(4) of the Tamil Nadu Recognised Private Schools Regulations Rules 1974 and whether the resultant vacancy in the post of B.T.Assistant (Science) needs to be refixed with reference to the actual strength registered in EMIS. But the petitioner has filed the present Writ Petition based on the internal correspondence between the Department and the School Management. Hence, the Writ Petition is not maintainable and it is liable to be dismissed.

6. It is pertinent to note that after effecting promotion as P.G.Assistant to the petitioner, the 5th respondent has sent proposals to the 4th respondent seeking to forward the same to the competent authority, viz., the Chief Educational Officer for



approval. It appears that the 4th respondent before forwarding the said proposals, being the spot officer and grant releasing authority, has to satisfy and confirm whether the promotion was in order and whether all the requirements were complied with by the Management/5th respondent school and in that process, the 4th respondent raised certain queries and asked 5th respondent to comply with the same and the 5th respondent also in turn, was responding to the communication sent by the 4th respondent and also resubmitting the proposal after compliance of the requirements. When the matter is between the 5th respondent and 4th respondent, the petitioner has interfered with and filed the present Writ Petition, challenging the proceedings of the 4th respondent dated 05.11.2020. According to the 4th respondent, in fact, no orders either accepting or rejecting the proposal submitted by the 5th respondent, were passed and it is only internal correspondence between the 4th and 5th respondents and the petitioner in hasty manner, challenged the same, which cannot be sustained. This Court finds considerable force in the contention made by the 4th respondent.

7.However, it is brought to notice of this Court that after impugned order dated 05.11.2020 was passed by the 4th respondent, the 5th respondent vide letter 09.02.2021, has re-submitted the proposal by complying with all requirements and with relevant material and it is still pending with the 4th respondent.

8.In view of the above, the 4th respondent is directed to consider the proposal which was resubmitted by the 5th respondent and if it is in order, forward the same to the 3rd respondent for passing appropriate orders regarding the approval sought for by the 5th respondent, within a period of six weeks from the date of receipt of a copy of this order. On receipt of the said proposal, the 3rd respondent shall pass orders in accordance with law, within a period of six weeks thereafter.

9.With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected WMP is closed.

Sd/-

Assistant Registrar (AD-I)

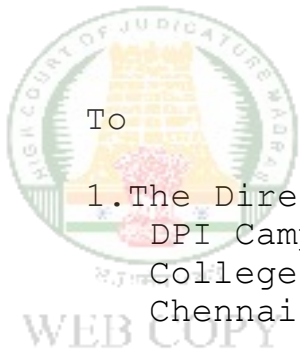
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Sub Assistant Registrar(CS)

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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 Director of School Education,
DPI Campus,
College Road,
Chennai-6.

2.The Joint Director of School Education (Higher Secondary),
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3.The Chief Educational Officer,
O/o.the Chief Educational Officer,
Virudhunagar District.

4.The District Educational Officer,
O/o.the District Educational Officer,
Virudhunagar District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-31676[F] dated
08/10/2021)

+1 CC to M/s.SPL.GP (SR-31757[F] dated 08/10/2021)

W.P (MD) No.16264 of 2021
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RK/JC (01/11/2021) 4P 7C