



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.19657 OF 2015

AND

WMP.NO.22865 OF 2017

P.R.T.Malathy

... Petitioner

Vs.

1. The Secretary of Government
Education Department,
Fort St.George, Chennai - 600 009.
2. The Director of School Education,
Chennai - 600 006.
3. The Joint Director of School Education,
Secondary Education, Chennai- 600 006.
4. The Chief Educational Officer,
Trichy.
5. The District Educational Officer,
Trichy.
6. The Secretary,
Annai Higher Secondary School,
Vinoba Nagar, Trichy.
7. M.Aranganathan

... Respondents

PRAYER:

This Writ Petition is filed under Article 226 of the Constitution of India praying for an issuance of a Writ of Certiorari calling for the records relating to the 3rd respondent vide order bearing No.Moo.Mu.No.010298/D2/E1/2015 dated 17.06.2015 and quash the same.

For Petitioner : Mr.A.Saravanan



WEB COPY

For Respondent : Mr.A.M.Ayyadurai
Nos.1 to 5 Govt.Advocate

For Respondent : Mr.V.Lakshmi Narayanan
No.6

For Respondent : Mr.A.Dhayaleswaran
No.7

O R D E R

The writ on hand has been filed challenging the order of rejection passed by the third respondent in proceedings dated 17.06.2015.

2.The petitioner is now working as Headmistress. The 7th respondent, who is working as B.T. Assistant, also claimed appointment to the post of Headmaster. The grievance of the 7th respondent was that without even considering his name for appointment to the post of Headmaster, the writ petitioner was appointed, which is in violation of Rule 15 (4) of the Tamil Nadu Recognised Private Schools (Regulation) Rules. Thus, the 7th respondent filed WP(MD).No.19479 of 2014 before the Madurai Bench of Madras High Court and the High Court passed an order of direction directing the authorities to consider the representation submitted by the 7th respondent. Pursuant to the said order, the Joint Director of School Education passed an order, which is impugned in the present writ petition.

3.The learned counsel appearing on behalf of the 6th respondent School Management made a submission that the grievance of the writ petitioner is that the parties were not heard by the 3rd respondent while passing the order impugned. A perusal of the order impugned reveals that no opportunity was granted to the parties concerned including the writ petitioner and the school management. Thus, the case is to be remanded back for reconsideration to comply with the principles of natural justice and for providing reasonable opportunity to all the parties, who all are having interest over the issue.

4.Accordingly, the order impugned passed by the 3rd respondent in proceedings No.Moo.Mu.No.010298/D2/E1/2015, dated 17.06.2015, is quashed and the matter is remanded back to the 3rd respondent for fresh consideration. The 3rd respondent is directed to issue notice to all the parties concerned and conduct an enquiry and thereafter, pass an order on merits and in accordance with law as expeditiously as possible preferably within a period of four months from the date of receipt of a copy of this order.



5. With this direction, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sms/sli

To

1. The Secretary of Government
Education Department,
Fort St.George, Chennai - 600 009.
2. The Director of School Education,
Chennai - 600 006.
3. The Joint Director of School Education,
Secondary Education, Chennai- 600 006.
4. The Chief Educational Officer,
Trichy.
5. The District Educational Officer,
Trichy.

+1cc to Mr.T.Surekha, Advocate, S.R.No.32872
+1cc to Mr.V.Raghavachari, Advocate, S.R.No.33234
+2ccs to Mr.S.Dhayaleswaran, Advocate, S.R.No.34068
+1cc to the State Government Pleader, S.R.No.34216

W.P.No.19657 of 2015
and
WMP.No.22865 of 2017

SMI (CO)
PM/20/06/2022