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W.P.No.24167 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

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THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.24167 of 2022
and
W.M.P.No.23147 of 2022

S.Kirubanandaraj

... Petitioner

Vs.

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

2.The Chief Educational Officer,
Thirupattur, Thirupattur District.

3.The District Educational Officer,
Vaniyambadi, Thirupattur District.

4.The Correspondent,
Concordia Higher Secondary School,
Vaniyambadi - 635 751.

5.The Administrator,
IELC, / IELC-TA,
No.47, Eldams Road,
Teynampet, Chennai - 600 018.

... Respondents



PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for entire records connected with the impugned order passed by the 2nd respondent vide Na.Ka.No.3348/Aa3/2021 dated 09.12.2021 and quash the same and direct the 2nd respondent to approve the promotion of the petitioner as Headmaster in the 4th respondent School, w.e.f. 01.06.2017 with all consequential monetary benefits, on the basis of the proposal submitted by the 4th respondent dated 06.07.2017.

For Petitioner : Mr.R.D.Ashok Kumar

For Respondents : Mr.S.Yashwanth
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned order dated 09.12.2021 passed by the second respondent rejecting the petitioner's request for being appointed as Headmaster in the fourth respondent School.

2. A proposal was sent by the fourth respondent School to the third respondent for appointing the petitioner as Headmaster in their School with effect from 01.06.2017. At the time of sending the proposal, the fourth respondent School was managed by its Committee of Office Bearers.



However, due to certain disputes, an Administrator was appointed by this Court by its order dated 30.10.2019 in W.P.No.17245 of 2018, etc., batch. Since the Administrator was appointed, the official respondents have sought his instructions with regard to the fourth respondent's proposal to appoint the petitioner as a staff in their School. Based on the Administrator's recommendation, the second respondent has rejected the fourth respondent's proposal seeking approval for appointment of the petitioner as a staff in their School. Aggrieved by the same, the petitioner has filed this Writ Petition.

3. Heard, Mr.R.D.Ashok Kumar, learned counsel for the petitioner and Mr.S.Yashwanth, learned Additional Government Pleader appearing for the respondents.

4. Learned counsel for the petitioner has placed before this Court a circular dated 31.10.2022 issued by the Administrator, viz., Justice D.Hariparanthaman (Retired), wherein it has been stated that the Administrator has filed a report to this Court on 31.10.2022 and based on the said report this Court discharged the Administrator from his functioning



as an Administrator with effect from 01.11.2022 as the elected Office Bearers of the fifth respondent who are managing the fourth respondent School had taken charge on 01.11.2022.

5. In view of the circular dated 31.10.2022 referred to supra, the impugned order dated 09.12.2021 passed by the second respondent which was passed on the then Administrator's opinion has to be necessarily quashed.

6. Learned counsel for the petitioner on instructions would also submit that the new Management of the fourth respondent School also supports the appointment of the petitioner as a staff in their School. He would also submit that the petitioner is willing to give a fresh representation to the fourth respondent School requesting them to forward the proposal for appointment of the petitioner in their School to the third respondent for getting approval of the petitioner's appointment.

7. For the foregoing reasons, the impugned order dated 09.12.2021 passed by the second respondent is hereby quashed and the Writ Petition is



allowed and;

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a) The petitioner is directed to submit a fresh representation to the fourth respondent School, requesting the fourth respondent to send a proposal for approving the petitioner's appointment as a staff in their School, to the third respondent, within a period of one week from the date of receipt of a copy of this order;

b) On receipt of the said representation, the fourth respondent shall forward the proposal, if they are satisfied with the petitioner's representation, to the third respondent within a period of two weeks thereafter;

c) On receipt of the said proposal from the fourth respondent, the third respondent shall process the said proposal and forward the said proposal to the second respondent within a period of one week thereafter;

d) The second respondent is directed to pass final orders, on merits and in accordance with law, on the fourth respondent's proposal seeking approval for appointment of the petitioner as a staff within a period of four weeks thereafter.



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8. With the aforementioned directions, this Writ Petition is disposed of. No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

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Index : Yes/No
Speaking Order : Yes / No
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ABDUL QUDDHOSE. J.,

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