



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:01.04.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P. (MD) .No.308 of 2021
WMP(MD) Nos.236 and 237 of 2021

K.R.Senthil Kumar

... Petitioner

vs.

1.The Joint Director of School Education,
(Higher Secondary)
Chennai 600 006.

2.The Chief Educational Officer,
Dindigul Town
Dindigul District.

3.The District Educational Officer,
Batlagundu Educational District,
Batlagundu
Dindigul District.

4.N.S.V.V.Boys Higher Secondary school
Rep. by its Secretary
Pattiveeranpatti
Dindigul District.

5.J.Arul Regis

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records related to the impugned proceedings of the 1st respondent/Joint Director of School Education (Higher Secondary) dated 18.12.2020 in Na.Ka.No.020329/W5/E3/2020 and quash the same.

For Petitioner

: Mr.N.Dilip Kumar

For Respondents

: Mr.G.V.Vairam Santhosh

for R1 to R3

Special Government Pleader

Mr.K.Ragatheeskumar for R5

for M/s.Isaac Chambers

O R D E R

Challenging the impugned proceedings of the first respondent,
the petitioner is before this Court with this writ petition.



2.The grievance of the writ petitioner is that initially he was appointed as P.G.Assistant on 04.02.2010. Thereafter, he was appointed as Headmaster on 26.02.2020. Thereafter, on 18.03.2020, the third respondent recommended for approval of appointment of the petitioner as Headmaster in the 4th respondent School and on 26.05.2020, the second respondent Chief Educational Officer also approved the appointment of the petitioner.

3.At this juncture, the learned counsel for the 5th respondent would submit that the said approval was subject to pendency of cases, if any.

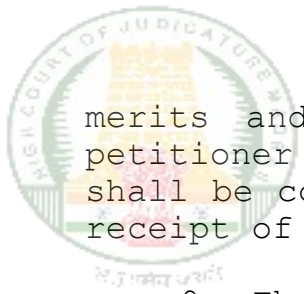
4.The learned counsel further submitted that the 5th respondent also participated in the selection process of Headmaster and he was not successful. Therefore, he preferred an appeal before the first respondent Joint Director of School Education.

5. The learned counsel for the petitioner would submit that the Joint Director of school Education, without impleading the petitioner as one of the respondent, passed an order setting aside the appointment of the petitioner. Therefore, he submitted that no opportunity was provided, which is against the principles of natural justice and he prayed to set aside the impugned order and remand the matter back for consideration so as to enable the first respondent to provide an opportunity to the petitioner to put forth his case.

6.On the other hand, the learned counsel for the contesting 5th respondent would fairly submit that the petitioner was the successful candidate and appointed as Headmaster in the fourth respondent school and his appointment also approved by the second respondent subject to the cases are pending. Therefore, he would submit that the impugned order may be set aside and the matter may be remanded back for fresh consideration.

7. The learned Special Government Pleader appearing on behalf of the official respondents would submit that no opportunity whatsoever was given to the petitioner and by virtue of the impugned order, the interest of the petitioner would directly get affected and therefore, he would submit that while passing the impugned order, opportunity ought to have been provided to the petitioner by the first respondent. However, since the same has not been provided, he prayed for remanding the matter back to the authorities.

8. In view of the above, this Court is of the considered view that while passing the impugned order, the first respondent ought to have given an opportunity of hearing to all the parties and since the petitioner's interest is directly involved and get affected by virtue of the impugned order, the impugned order is set aside and the matter is remanded back to the first respondent. The first



merits and in accordance with law, after giving notice to the petitioner as well as the fifth respondent. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

9. The writ petition is disposed of accordingly. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

RR

To

1.The Joint Director of School Education,
(Higher Secondary)
Chennai 600 006.

2.The Chief Educational Officer,
Dindigul Town
Dindigul District.

3.The District Educational Officer,
Batlagundu Educational District,
Batlagundu
Dindigul District.

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-16382[F] dated 04/04/2022)

+1 CC to M/s.SPL GP (SR-16352[F] dated 04/04/2022)

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-16450[F] dated 04/04/2022)

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SG (CO)

KB(26.04.2022) 3P 7C