



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A(MD)Nos.4 to 6 of 2011
and
M.P(MD)Nos.1, 1, 1 & 2 of 2011

W.A(MD)No.4 of 2011

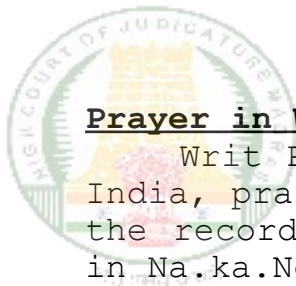
L.Lawrence Maria Anthuvan :Appellant/Petitioner

.vs.

- 1.The Director of School Education,
Chennai.
- 2.The Joint Director of School Education,
(Higher Secondary)
Chennai.
- 3.The Chief Educational Officer,
Parent Teacher Association Building,
Syed Mdhursa Higher Secondary School Compound,
Tiruchirappalli-8.
- 4.The District Educational Officer,
Main Guard Gate,
Tiruchirappalli-2.
- 5.Rev. Fr. Correspondent,
R.C.Higher Secondary School,
Tiruchirappalli-1.

6.R.Irudhaya Kumar : Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.328 of 2009, dated 30.11.2010 and thereby allow this appeal.



Prayer in WP(MD). 328 OF 2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorari, calling for the records pertaining to the impugned order of the 4th respondent in Na.ka.No.06393/A4/2008 dated 5.12.2008.

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For Appellant	:M/s.N.R.Murugesan, Mrs.Rajeswari
For R-1 to R-4	:Mr.S.P.Maharajan, Special Government Pleader
For R-5	:Mr.Ragatheesh Kumar for Isaac Chambers
For R-6	: No Appearance

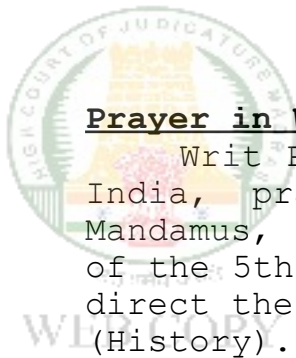
W.A(MD)No.5 of 2011

L.Lawrence Maria Anthuvan :Appellant/Petitioner

.vs.

- 1.The Director of School Education,
Chennai.
- 2.The Joint Director of School Education,
(Higher Secondary)
Chennai.
- 3.The Chief Educational Officer,
Parent Teacher Association Building,
Syed Mdhursa Higher Secondary School Compound,
Tiruchirappalli-8.
- 4.The District Educational Officer,
Main Guard Gate,
Tiruchirappalli-2.
- 5.Rev.Fr.Correspondent,
R.C.Higher Secondary School,
Tiruchirappalli-1.
- 6.R.Irudhaya Kumar : Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.329 of 2009, dated 30.11.2010 and thereby allow this appeal.



Prayer in WP(MD). 329 OF 2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the 5th respondent in No.Nil, dated 27.8.2008, quash the same and direct the 5th respondent to promote the petitioner as P.G.Assistant (History).

For Appellant	:M/s.N.R.Murugesan, Mrs.Rajeswari
For R-1 to R-4	:Mr.S.P.Maharajan, Special Government Pleader
For R-5	:Mr.Ragatheesh Kumar for Isaac Chambers
For R-6	:No Appearance

W.A(MD)No.6 of 2011

L.Lawrence Maria Anthuvan :Appellant/Petitioner

.vs.

1.The Director of School Education,
Chennai.

2.The Chief Educational Officer,
Parent Teacher Association Building,
Syed Mdhursa Higher Secondary School Compound,
Trichirappalli -8.

3.The District Educational Officer,
Main Guard Gate,
Tiruchirappalli - 2.

4.R.C. Higher Secondary School,
Rep. by its Correspondent,
Tiruchirappalli -1.

: Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.14121 of 2009, dated 30.11.2010 and thereby allow this appeal.

Prayer in WP(MD). 14121 OF 2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the

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4th respondent to issue a copy of Rules relating to disciplinary proceedings and order declaring the 4th respondent as minority institution.

For Appellant

:M/s.N.R.Murugesan,
Mrs.Rajeswari

For R-1 to R-4

:Mr.S.P.Maharajan,
Special Government Pleader

For R-5

:Mr.Ragatheesh Kumar for
Isaac Chambers

COMMON JUDGMENT

Challenge in these writ appeals is to the order of the learned single Judge dated 30.11.2010 made in W.P(MD)Nos.328, 329 and 14121 of 2009 respectively.

2. In W.P(MD)No.328 of 2009, the petitioner had challenged the approval of appointment of the sixth respondent as Post Graduate Teacher in History on 05.12.2008.

3. In W.P(MD)No.329 of 2009, the petitioner had challenged the proposal sent by the fifth respondent seeking approval for the appointment of the 6th respondent as Post Graduate Teacher in History dated 27.08.2008.

4. In W.P(MD)No.14121 of 2009, the petitioner had sought for a direction to issue a copy of Rules relating to disciplinary proceedings and order declaring the fourth respondent as minority institution.

5. The above said writ petitions were dismissed by the learned Single Judge vide order dated 30.11.2010.

6. As the issue involved in the writ appeals is one and the same, these writ appeals are taken up together and disposed of by this common judgment.

7. The learned counsel for the appellant / petitioner would contend that the petitioner being senior to the sixth respondent, he should have been preferred.

8. It is seen that the appellant / petitioner has completed his under graduation in Mathematics and has completed post graduation in History. He is working as a Graduate Teacher in Mathematics in the fifth respondent school. When the vacancy arose for a Post Graduate Teacher in History, the petitioner sought appointment as Post Graduate Teacher in History. The sixth respondent, who is admittedly junior to the appellant / petitioner had obtained his under graduation in History and also completed post graduation in History. Therefore, the sixth respondent is a person having better qualifications than the appellant / petitioner having obtained both under graduation and post



graduation in the same subject viz., History. However, the petitioner is a post graduate in cross major namely the main subject in under graduation is different from the main subject in post graduation.

9. Section 20 of the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973, prohibits the management from appointing a person, who does not have qualification prescribed under Rule 15(6) of the Tamil Nadu Recognised Private Schools (Regulation) Rules, 1974.

10. Rule 15(6) of the Rules, prescribes that preference shall be given to those who have studied the same subject in under graduation and post graduation.

11. Admittedly, the sixth respondent satisfies the qualifications he being undergraduate and post graduate in the same main subject ie., History. The vacancy is for Post Graduate Teacher in History. Hence, we do not find any infirmity in the order of the learned Single judge dismissing the writ petitions and Writ Appeal(MD)Nos. 4 and 5 of 2011 fail and are accordingly dismissed.

12. As regards Writ Petition(MD)No.14121 of 2009, the very prayer sought for by the petitioner has been held to be redundant. In view of the judgment of the Honourable Supreme Court in **T.M.A. Pai Foundation v. State of Karnataka** reported in (2002) 8 SCC 481, the minority status granted to the fourth respondent Institution still survives. The learned Single Judge has held that the writ petition itself misconceived inasmuch as a Division Bench of this Court in **C.Masanam vs. Chief Educational Officer Madurai** reported in 2000(3) MLJ 19, had held that even a Teacher in minority school is entitled to the protection prescribed under the Rules in a disciplinary enquiry that is to be held against him. The petitioner has sought for a Mandamus seeking a copy of Rules relating to disciplinary proceedings and a copy of the order declaring the fourth respondent as minority institution. The Rules relating to disciplinary proceedings are set out in the Tamil Nadu Recognised Private Schools (Regulation) Rules itself. Therefore, we do not see any reason to interfere with the conclusion of the learned Single Judge. Hence, W.A(MD)No.6 of 2011 is also dismissed. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar(CS)

pm

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To

1.The Director of School Education,
Chennai.

2.The Joint Director of School Education,
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Chennai.

3.The Chief Educational Officer,
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Tiruchirappalli-8.

4.The District Educational Officer,
Main Guard Gate,
Tiruchirappalli-2.

+1 CC to M/s.N.R.MURUGESAN, Advocate (SR-5528[F] dated 11/02/2022)

+1 CC to M/s. RAGATHEESH KUMAR (ISAAC CHAMBERS), Advocate
(SR-5604[F] dated 11/02/2022)

+1 CC to M/s.SPL GP (SR-5383[F] dated 10/02/2022)

JUDGMENT MADE IN
W.A(MD)Nos.4 to 6 of 2011
09.02.2022

NSN(CO)
GC(28.02.2022) 6P 8C