



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) .No.1191 of 2020

WEB COPY

Thirikudarajan

... Petitioner

Vs.

- 1.The Secretary to Government,
Department of School Education,
St.George Fort, Chennai.
- 2.The Director of School Education,
College Road, Chennai.
- 3.The Chief Educational Officer,
Tirunelveli District, Tirunelveli.
- 4.The District Educational Officer,
Tenkasi,
Tirunelveli District.
- 5.The Block Educational Officer,
Kadayanallur,
Tirunelveli District.
- 6.The Correspondent,
Melapalayam Hindu Middle School,
Kadayanallur,
Tirunelveli District.

...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 in pursuant to the impugned order passed in Na.Ka.No.955/21/2019 dated 19.12.2019 by the fifth respondent and quash the same and consequently direct the fourth and fifth respondents to approve the petitioner's promotion proposal as Headmaster of the sixth respondent School from 01.06.2019 and disburse all other service and monetary benefits within stipulated time as fixed by this Court.

For Petitioner	:	Mr.S.Chellapandian
For R-1 to R-5	:	Mr.V.Nirmal Kumar, Government Advocate.
For R-6	:	No appearance



ORDER

The petitioner herein claims to have been the Headmaster (Incharge) of the sixth respondent School. He had sent a proposal seeking for approval of his appointment and the fifth respondent herein had rejected the request, stating that the sixth respondent School is now under direct payment from 2016 onwards and therefore, no promotions or new appointments including approval can be made.

2. In order to set right these kind of situations, Section 18-A of the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973 provides for appointment of a Special Officer for the Management of the School.

3. It is claimed by the respondents that the Management of the School is not satisfactory and there are disputes between the members of the Management. Whenever such a situation is brought to the notice of the Director of School Education, there is a duty cast on him to appoint a Special Officer under Section 18-A of the Act in order to safeguard the interest of the students as well as the teaching and non-teaching staff. In the instant case, though the respondents have chosen to bring the sixth respondent School under direct payment, no steps have been initiated to appoint a Special Officer.

4. I am of the view that if the respondents are directed to appoint a Special Officer with a consequential direction to empower him to seek for filling up the post of Headmaster in the School, the ends of justice could be secured.

5. Accordingly, the impugned order dated 19.12.2019 is set aside. Consequently, there shall be a direction to the Director of School Education to appoint a Special Officer in the sixth respondent School, by following the procedure contemplated under Section 18-A of the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973, after giving due opportunity to the Management. Such steps for appointment shall be completed at least within a period of three (3) months from the date of receipt of a copy of this order.

6. This Writ Petition stands ordered accordingly. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)



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- 6.The Correspondent,
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+1 CC to M/s.S. CHELLAPANDIAN, Advocate (SR-27649[F] dated
23/06/2022)

+1 CC to M/s.SPL.GP (SR-27703[F] dated 23/06/2022)

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RD(04.07.2022) 3P 9C