



W.P.(MD)No.6998 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.6998 of 2020

and

W.M.P.(MD)No.6421 of 2020

Sri Gajendra Varadhar Middle School
Rep. by its Secretary,
N.S.Nishanth,
Door No.44/B, Ward No.5,
Athalanallur Village,
Cheranmahadevi Taluk,
Tirunelveli District.

... Petitioner

Vs.

1. The Director of School Education,
DPI Compound,
College Road,
Chennai – 600 006.
2. The Chief Educational Officer,
O/o. the Chief Educational Officer,
Tirunelveli District.
3. The District Educational Officer,
O/o. the District Educational Officer,
Cheranmahadevi,
Tirunelveli District.



W.P.(MD)No.6998 of 2020

4. The Block Educational Officer -I,
Pappakudi Block,
Tirunelveli District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the Impugned Order in O.Mu.No.2803/A4/2019 dated 08.08.2019 on the file of the Respondent No.3 and quash the same as illegal and consequently for a direction, directing the Respondent No.3 to grant prior approval to the Petitioner's School to fill up the vacant post of Headmaster in accordance with the Rule 15(4) of the Tamil Nadu Recognized Private School Regulation Rules, 1974.

For Petitioner : Mr. T.Lajapathi Roy

For Respondents : Mr. J.Ashok
Additional Government Pleader

ORDER

This writ petition has been filed to quash the Impugned Order in O.Mu.No.2803/A4/2019 dated 08.08.2019 on the file of the Respondent No. 3 and consequently to direct the Respondent No.3 to grant prior approval to



W.P.(MD)No.6998 of 2020

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the Petitioner's School to fill up the vacant post of Headmaster in accordance with the Rule 15(4) of the Tamil Nadu Recognized Private School Regulation Rules, 1974.

2. The learned counsel appearing for the petitioner submitted that the petitioner is the School Secretary and in his School one S.R.Subbuthayammal got retired on 31.05.2019. After the retirement, petitioner's School is functioning without Headmaster. The School Committee has decided to fill up the Headmaster post through direct recruitment, as there is no suitable candidate fit for promotion in the School. Therefore, as per the Rule 15(4) of the Tamil Nadu Recognized Private School Regulation Rules, 1974, for filling up the post through direct recruitment, prior approval by the third respondent is mandatory. The petitioner had applied for prior approval by way of submitting a proposal dated 01.06.2019 enclosing all the essential documents. However, the said approval was rejected by way of issuing the impugned order, dated 08.08.2019, relying upon the interim order passed by this Court in W.A. (MD)No.76 of 2019 and batch stating that the Government shall not



W.P.(MD)No.6998 of 2020

WEB COPY

approve any appointment made by the private aided school, till the surplus teacher in the school coming under the same management are exhausted and there shall not be any fresh appointment from 09.04.2019 in private aided Schools coming under the same management are exhausted and however, finally the writ appeal was disposed of in the year 2021 and hence, there is no legal impediment for the School for considering the petitioner's proposal.

3. The learned counsel for the petitioner further submit that in view of the above, this Court may grant liberty to the petitioner to send a fresh proposal for filling up the said post and if such proposal is forwarded the respondents may be directed to pass appropriate orders.

4. Considering the limited request made by the learned counsel for the petitioner, admittedly the present impugned order is passed based on the interim order granted by this Court in W.A.(MD)No.76 of 2019 etc. batch, it appears that subsequently the writ appeal itself is disposed in the year 2021 and hence, there is no legal impediment.



W.P.(MD)No.6998 of 2020

WEB COPY

5. In view of the above, this Court grants liberty to the petitioner to forward the proposal afresh within a period of three weeks from the date of receipt of copy of this order. If any such proposal is forwarded by the petitioner, the official respondent is directed to consider the same and pass appropriate orders within a period of four weeks thereafter.

6. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

15.12.2022

Index : Yes / No

Speaking Order : Yes / No

RM



W.P.(MD)No.6998 of 2020

To
WEB COPY

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W.P.(MD)No.6998 of 2020

M.DHANDAPANI,J.

RM

W.P.(MD)No.6998 of 2020

15.12.2022