



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.01.2022**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

W.P.(MD)No.3303 of 2018

and

W.M.P.(MD)Nos.3445 & 3446 of 2018

Ganesan

...Petitioner

/Vs./

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

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

3.The District Educational Officer,
Thoothukudi, Thoothukudi District.

4.The Secretary,
Karapettai Nadar Boys Higher Secondary School,
Thoothukudi.

5.J.Mahendran

...Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 3rd respondent in Na.Ka.No.2905/Aaa3/2017 dated 14.12.2017 and quash the same and further directing the 3rd respondent to approve the petitioner's appointment as Headmaster of the 4th respondent school.

For Petitioner : Mr.R.Balakrishnan

For R1 to R3 : Mr.K.S.Selvaganesan
Additional Government Pleader

For R4 : Mr.P.Pethu Rajesh

For R5 : Mr.P.Muthuvel
for M/s.Isaac Chambers

ORDER

Heard Mr.R.Balakrishnan, learned counsel for the petitioner,
Mr. K. S. Selvaganesan, learned Additional Government Pleader for the

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official respondents, Mr.P.Pethu Rajesh, learned counsel for the Secretary, Karapettai Nadar Boys Higher Secondary School/R4 and Mr.P.Muthuvel, learned counsel for the private respondent/R5.

2.The petitioner has challenged an order dated 14.12.2017, whereby the approval granted by DEO/R3 on 30.11.2017 for his appointment as the Headmaster of the R4 School has been reviewed and cancelled. The impugned order is assailed both on merits as well as on the ground of violation of principles of natural justice, insofar as there has been no prior hearing afforded to the petitioner.

3.On merits, the impugned order has been passed for the reason that no approval has been accorded to the appointment of the earlier Headmaster, to whose position the petitioner has succeeded. The second ground of review is the pendency of a civil suit in O.S.No.74 of 2017 pending before the Additional District Munsif, Thoothukudi.

4.As regards the first ground, it has merely to be stated to be rejected. The non-grant of approval to the erstwhile headmaster has been intimated to R3 by R5, the plaintiff in O.S.No.74 of 2017. It is on the basis of his representation that the impugned order has come to be passed unilaterally and in gross violation of the principles of natural justice.

5.Evidently there is a dispute between the private parties, the petitioner and R5 that R5, that forms the basis of the present saga. This dispute however, has no bearing upon the appointment of the petitioner who is fully qualified to hold the post of headmaster which is a sanctioned post.

6.The non-grant of approval to the previous headmaster, who has retired and in whose place the petitioner has been appointed as headmaster, is of no relevance to decide the veracity or otherwise of the petitioner's appointment to the post of Headmaster. Admittedly, the post of headmaster is a sanctioned one, the credentials of the petitioner to the post are not questioned, and this would thus suffice to validate the petitioner's appointment and approval.

7.As regards the pendency of the original suit, the aforesaid suit has itself come to be dismissed on 17.11.2021, on the basis of the application filed by the petitioner, one of the defendants in the suit, for rejection of plaint. A copy of the e-Court entry is placed on file by learned counsel for R4. Thus, both grounds on the basis of which the impugned order has been passed, are seen to be misconceived and the impugned order fails and is set aside.

8.The petitioner has been continuing in position as Headmaster, on the strength of an interim order granted by this Court, setting aside of the impugned order, this writ



petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

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/ /2022

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Director of School Education,
College Road, Chennai.
- 2.The Chief Educational Officer,
Thoothukudi District,
Thoothukudi.
- 3.The District Educational Officer,
Thoothukudi,
Thoothukudi District.

+1 CC to M/s.SPL.GP (SR-601[F] dated 06/01/2022)

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-782[F] dated 07/01/2022)

+1 CC to M/s.P.PETHU RAJESH, Advocate (SR-411[F] dated 05/01/2022)

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RD(02.02.2022) 3P 7C