



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD) .No.15428 of 2014

WEB COPY

Mary Thilagavathi

... Petitioner

**Vs.**

1.The Joint Director,  
(Secondary Education),  
O/o. the Joint Director of School Education,  
College Road,  
Chennai - 6.

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

3.The District Educational Officer,  
Thoothukudi,  
Thoothukudi 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 pertaining to the impugned order in Na.Ka.No.4757/Aa5/14, dated 10.09.2014 on the file of the respondent no.3 and quash the same as illegal and consequently directing the respondent no.3 to treat the post of Middle School Head Master held by the petitioner from 27.06.1991 to 01.06.1994 as the B.T.Assistant instead of Secondary Grade Teacher within the time stipulated.

For Petitioner : Mr.S.Rajasekar,

For Respondents : Mr.N.GA.Natraj,  
Government Advocate.

**ORDER**

This Writ Petition has been filed for Certiorarified Mandamus seeking interference with an order of the third respondent dated 10.09.2014 and for a consequential prayer to direct the third respondent to treat the post of Middle School Head Master held by the petitioner from 27.06.1991 to 01.06.1994 as the B.T. Assistant instead of Secondary Grade Teacher.

2. The petitioner was appointed on 27.06.1991 in the Little Flower Middle School, Periyathalai. According to the records, she was appointed in the post which fell vacant because



of one Sr. Timothi who was holding the post of Middle School Head Master. The School was running as Middle School and it was upgraded as High School on 01.06.1988. The teachers in the Middle School were continuously working as in the same post. The petitioner possessed B.Sc., (Maths) and B.Ed., at the time of appointment. The petitioner is possessing B.Sc., (Maths), she was allowed to serve in the Secondary Grade post. The claim of the petitioner is since she is possessing B.Sc., (Maths), she is eligible to be considered for B.T. Assistant post and in turn to be considered as Middle School Headmaster. The School has also allowed the petitioner to work as Head Master of Middle School. Since the petitioner was allowed to carry out the Head Master post, therefore the claim of the petitioner is to confer the service and monetary benefits. The said claim was rejected by the respondents through the impugned order. Aggrieved over, the present Writ Petition is filed.

3. The respondents had filed a counter stating that the School was upgraded as High School from the year 1991-1992 without aid for the upgraded standards. On the upgradation of the School, there was no post of Middle School Headmaster in existence. But the petitioner was appointed as Secondary Grade Teacher and was allowed to serve as Headmaster by the Management of the School. The District Educational Officer, Tuticorin has approved the petitioner's appointment from 27.06.1991 as Secondary Grade Teacher only. The School has sanctioned post which is given under:

- (i) 5 Secondary Grade Teachers,
- (ii) 1 Physical Education Teacher and
- (iii) 1 Craft Instructor.

No post of Middle School Headmaster was sanctioned to the School after it was upgraded as High School.

4. The petitioner is claiming the benefits, which she alleges that she was holding the post from 27.06.1991 to 01.06.1994, after lapse of 23 years. The School was not having any sanctioned Headmaster post at all. Therefore, the claim of the petitioner cannot be considered. The petitioner relied on Government Order which was issued in G.O.Ms.No.12 School Education (CC1(1)) Department dated 06.07.2015. The said Government Order was issued based on the Court order.

5. Heard Mr. S. Rajasekar, learned counsel for the petitioner and Mr. N. GA. Natraj, learned Government Advocate for the respondents.

6. The petitioner was qualified as B.Sc., (Maths), B.Ed., However, she was appointed in the post of Secondary Grade Teacher. Admittedly, the School is having 5 Secondary Grade Teachers, one Physical Education Teacher and one Craft Teacher. The school was not



sanctioned any Headmaster post at all. The School was upgraded in the year 1991-1992 with a specific condition, **for the upgraded School aid will not be granted.** In such circumstances, the claim of the petitioner to consider her as Headmaster in the upgraded post from 27.06.1991 to 01.06.1994 is erroneous. The School was not having sanctioned Headmaster post, coupled with the facts aid was not granted to the upgraded standards. Therefore, the petitioner is not entitled to any claim against the respondents and the writ petition is liable to be dismissed.

7. Hence the Writ Petition stands dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar(T & P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Nsr

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 Joint Director,  
(Secondary Education),  
O/o. the Joint Director of School Education,  
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Chennai - 6.
- 2.The Chief Educational Officer,  
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Thoothukudi District.
- 3.The District Educational Officer,  
Thoothukudi,  
Thoothukudi District.

+1 CC to M/s.SPL GP ( SR-6762[F] dated 17/02/2022 )

+1 CC to M/s.T.LAJAPATHI ROY, Advocate ( SR-6655[F] dated 17/02/2022 )

**W.P. (MD) .No.15428 of 2014**  
**16.02.2022**

SS(05.03.2022) 3P 6C

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