



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD)No.17912 of 2015

and

M.P. (MD) .No.1 of 2015

S.Sukumaran

... Petitioner

vs

1. The District Elementary Educational Officer,
District Elementary Education Office,
Thanjavur.

2. The Assistant Elementary Educational Officer,
Thiruvaiyaru,
Thanjavur District.

3. Shri Annapoorani Ammbal Elementary School,
Aided School Represented by its Secretary,
Thiruchotruthurai,
Thiruvaiyaru Panchayat Union,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the the impugned rejection order in Na.Ka.No.2564/A5/2015, dated 02.09.2015 issued by the first respondent and quash the same and consequently, direct the first respondent to approve the petitioner's appointment w.e.f. 29.07.2011 in post of Secondary Grade Teacher, in Shri Annapoorani Ammbal Elementary Aided School, Thiruchotruthurai, Thiruvaiyaru Panchayat Union, Thanjavur District within the time limit fixed by this Court by considering proposal dated 03.10.2011 given by the third respondent with all attendant and monetary benefits.

For Petitioner : Mr.A.L.Kannan

For R-1 and R-2 : Mr.G.A.Nataraj

Government Advocate (Civil side).

For R-3 : No Appearance

O R D E R

This writ petition is filed to quash the impugned order, dated 02.09.2015, passed by the first respondent and consequently, direct the first respondent to approve the petitioner's appointment in the third respondent School with effect from 29.07.2011 by considering the proposal, dated 03.10.2011.



2. The third respondent School is a Private Aided Non Minority Elementary School and a Secondary Grade Teacher post fell vacant on 31.01.1997, due to the retirement of the incumbent, namely, S. Saveriammal. The third respondent by following 100 point roster, under G.O.Ms.No.85, dated 06.05.2000, in Serial No.1 OC candidate, had appointed one Sarithadevi. Then pursuant to the promotion of one R. Umabharathy as Headmistress another post of Secondary Grade Teacher fell vacant on 01.10.2010 and the first respondent, vide proceedings, dated 25.07.2011, granted permission to fill up the post. The third respondent called for personal interview under General Category, vide paper publication, dated 27.07.2011. The petitioner has also participated in the personal interview and he was appointed with effect from 29.07.2011. The School has submitted the appointment and sought approval from the first respondent. Certain defects were pointed out and it was directed to rectify / clarify the defects. The third respondent after rectifying certain defects has re-submitted the proposals on 30.10.2011.

3. The second respondent after scrutinizing all the documents along with the proceedings, dated 10.02.2015, forwarded the same to the first respondent. Since the vacancy fell on 01.10.2010, the School has followed G.O.Ms.No.241, dated 29.10.2007, wherein, 200 point roster was implemented and again the School has to follow from S.No.1 which goes to General Category in communal roster. Thereafter, the first respondent returned the papers to the third respondent to furnish all the service records. Finally, the School has submitted the proposal on 10.02.2015. In the impugned order, dated 02.09.2015, it has been stated that the said appointment cannot be approved since the School has submitted the proposal belatedly in the year 2015. Aggrieved over the same, the petitioner has preferred this writ petition.

4. The respondents have filed a counter affidavit stating that after a lapse of three years, the petitioner has submitted a proposal only in the year 2015 and there is no proper explanation by the third respondent for the belated proposal. The petitioner has preferred a writ petition in W.P.(MD)No.10824 of 2015, which was disposed on 30.06.2015, directing the authorities to pass appropriate orders. The petitioner submitted the proposal along with the representation. The contention of the first respondent is that the third respondent has not followed any conditions for the appointment of the petitioner specified under the provisions of the Tamil Nadu Recognized Private Schools (Regulation) Act.

5. Heard Mr. A.L. Kannan the Learned Counsel for the petitioner and Mr. N. Ga. Natraj, Learned Counsel for the respondents 1 and 2.

6. The contention of the first respondent is that there is delay in resubmitting the proposal. Even though, the counter states it is not been substantiated by any of the



provisions or evidence. The counter states that the school has violated the provisions of law but has not stated which provisions are violated. Therefore, this Court is of the considered opinion that the reasons stated in the impugned order is erroneous. Therefore, the impugned order is set aside and the first respondent is directed to approve the appointment of the petitioner from the date of proposal dated 03.10.2011 within a period of four weeks from the date of receipt of a copy of this order. The respondents are strictly directed to comply with the order.

7. With the above direction, the writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Deputy Registrar (LA&MC)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

jbr

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 District Elementary Educational Officer,
District Elementary Education Office,
Thanjavur.
2. The Assistant Elementary Educational Officer,
Thiruvaiyaru,
Thanjavur District.

Order made in

W. P. (MD) No.17912 of 2015

10.02.2022

SB(CO)

GC(11.03.2022) 3P 3C