



W.P(MD)No.16869 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 31.10.2022

CORAM :

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD).No.16869 of 2016

and

W.M.P(MD).No.12234 of 2016

A.Ayeesha Beevi

... Petitioner

Vs.

- 1.The Director of School Education,
College Road, Chennai-600 006.
- 2.The Chief Educational Officer,
O/o. The Chief Educational Officer,
Thallakulam, Madurai.
- 3.The District Educational Officer,
O/o. The District Educational Officer,
Thallakulam, Madurai.
- 4.The Chief Educational Officer,
O/o. The Chief Educational Officer,
Ramanathapuram District,
Ramanathapuram.
- 5.The Correspondent/Secretary,
Al.Ameen Kaithozial Kalvi Sangam,
Al.Ameen Higher Secondary School,
K.Pudur, Madurai-625 007.



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6.Shek Nabi,
P.G.Assistant (English),
Al.Ameen Higher Secondary School,
K.Pudur, Madurai-625 007.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1 to 4 from approving the appointment of the 6th respondent as Headmaster of Al.Ameen Higher Secondary School, K.Pudur, Madurai and consequently, direct the respondents to fill up the headmaster post in Al.Ameen Higher Secondary School, K.Pudur, Madurai in accordance with Rule 15(4) of the Tamil Nadu Recognised Private Schools (Regulation) Rules, 1974.

For Petitioner	: Mr.M.Saravanakumar
For R1 to R4	: Mr.S.Kumaresan Government Advocate (Civil Side)
For R5 & R6	: Mr.V.Karthick Raja For M/s.Ajmal Associates

ORDER

This writ petition is filed for a writ of Mandamus to forbear the respondents 1 to 4 from approving the appointment of the 6th respondent as Headmaster of Al.Ameen Higher Secondary School, K.Pudur, Madurai and consequently, direct the respondents to fill up the headmaster post in Al.Ameen Higher Secondary School, K.Pudur, Madurai in accordance with Rule 15(4) of the Tamil Nadu Recognized Private Schools (Regulation) Rules, 1974.



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2. The petitioner had completed M.A. (English), M.Ed. and M.Phil. degree. Subsequently, the petitioner was appointed as a P.G. Assistant in the 5th respondent school on 01.06.2010 and the appointment was approved by the District Elementary Educational Officer, Melur vide proceedings dated 17.09.2010. The Headmaster post was vacant in the 5th respondent school due to the retirement of the incumbent, namely, Basheer Ahamed from May 2015. The said post ought to be filled up by invoking Section 15 (4) of the Tamil Nadu Recognized Private Schools (Regulation) Rules, 1974 on the grounds of merit and ability. Since the petitioner is eligible to the said post, but the 5th respondent school appointed the 6th respondent as Headmaster on extraneous consideration without obtaining prior permission from the Educational Authorities. Aggrieved over the same, the present writ petition is filed.

3. The learned counsel for the respondents filed counter stating that the 5th respondent school is a minority institution. Hence, the Tamil Nadu Recognized Private Schools (Regulation) Rules, 1974 and Rules made thereunder is not applicable to the minority educational institutions. Therefore, the respondents prayed for dismissal of the writ petition.



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4. When the writ petition is taken up for hearing, the petitioner as well as the respondents submitted that the petitioner has attained superannuation on 31.05.2022. The petitioner has not served even a single day in the said post.

5. The Court is of the considered view that the claim of the petitioner to grant promotion to the post of Headmaster cannot be considered, since the 5th respondent school is a minority educational institution. If the claim of the petitioner is entertained, then it will amount to interfering in the administration of the minority institution.

6. At this juncture, the learned counsel for the petitioner submits that the petitioner has not received any terminal benefits. Therefore this Court directs the 5th respondent to submit the papers to the official respondents to process the terminal benefits and also submit the pension proposals to the official respondents within a period of two weeks from the date of receipt of copy of this order. The official respondent is directed to pass appropriate order within a period of four weeks thereafter.



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7. With the above direction, the writ petition stands disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

Internet : Yes/No

To

1. The Secretary, The State of Tamil Nadu,
School Education Department,
Secretariat,
Chennai-9.
2. The Director of School Education,
O/o. The Director of School Education Office,
College Road,
Chennai.
3. The Chief Educational Officer,
O/o. The District Educational Office,
Thallakulam,
Madurai,
Madurai District.
4. The District Educational Officer,
O/o. The District Educational Office,
Near Government Higher Secondary School,



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Usilampatti, Madurai District.

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5.The Correspondent,
Nadar Sarawathi Higher Secondary School,
Usilampatti,
Madurai District.



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S.SRIMATHY, J.

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