



W.P.No.3266 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.3266 of 2023
and W.M.P.No.3319 of 2023

I.Robert

... Petitioner

Vs.

1. Secretary to Government,
Department of School Education,
Secretariat, Chennai – 600 009.
2. The Commissioner of School Education,
DPI, College Road,
Chennai – 600 006.
3. The Chief Education Officer,
Salem District, Salem.
4. The District Education Officer,
Salem District, Salem.
5. The Manager,
R.C.Schools,
Salem Namakkal Districts,
The Salem Diocese Society,
Mary Palace,
68, Thammannan Road,
Salem – 636 009.



W.P.No.3266 of 2023

6. The Correspondent,

The Little Flower Higher Secondary School,
Salem – 636 007.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order dated 29.12.2021 passed in O.M.No.8683/A2/2021 on the file of the District Education Officer, Salem District, Salem, the 4th respondent herein and quash the same and consequently direct the 4th respondent to recommend for approval, the appointment of the petitioner to the post of Physical Director, Grade II in the 6th respondent school from the date of his original appointment dated 19.02.2021.

For Petitioner : Mr.C.Iyyapparaj

For Respondents : Mr.P.Ganesan
Government Advocate [R1 to R4]

Ms.H.Mary Sowmi Rexi
for M/s.Isaac Chambers [R5 and R6]

ORDER

This writ petition is filed to quash the impugned order passed by the fourth respondent dated 29.12.2021 in O.M.No.8683/A2/2021 and consequently direct the 4th respondent to recommend for approval the appointment of the petitioner to the post of Physical Director, Grade II in



W.P.No.3266 of 2023

the 6th respondent school from the date of his original appointment dated 19.02.2021.

2. The 6th respondent school is a minority aided educational institution. When the post of Physical Education Director, Grade II was filled up by the school by promotion, the sixth respondent school had promoted one R.Swaminathan and sent a proposal to the fourth respondent for approval of his promotion and the same came to be rejected on the ground that the incumbent viz., R.Swaminathan did not possess the required educational qualification in the pattern of 10+2+3+2. In view of the same, the sixth respondent school had also cancelled the promotion of R.Swaminathan and promoted one I.Robert i.e., petitioner herein in his place. In order to get approval of the promotion of the petitioner, the school had sent a proposal on 01.03.2021, which has been re-submitted on 20.11.2022. However, the same was rejected only on the ground that writ petition filed by R.Swaminathan in W.P.No.7815 of 2021 is pending and therefore, the approval of promotion of the petitioner is not feasible.



W.P.No.3266 of 2023

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3. Today, this Court had passed final order in the said writ petition filed by R.Swaminathan in W.P.No.7815 of 2021 and had dismissed the writ petition on the ground that the petitioner therein did not possess the required essential qualification.

4. In the counter affidavit filed by the respondents, the same reason i.e., pendency of writ petition in W.P.No.7815 of 2021 has been cited as a impediment for considering the proposal for promotion of the petitioner to the post of Physical Education Director, Grade II, since the writ petition filed by R.Swaminathan has been dismissed today, there could be no other impediment for grant of approval of promotion of the petitioner viz., I. Robert.

5. Accordingly, the impugned order dated 29.12.2021 on the file of the fourth respondent is quashed. Consequently, there shall be a direction to the fourth respondent to consider the proposal of the sixth respondent dated 01.03.2021 and pass orders of approval, approving the promotion of the petitioner dated 18.02.2021 within a period of four (4) weeks from



W.P.No.3266 of 2023

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the date of receipt of a copy of this order. The fourth respondent shall extend all the monetary benefits, for which the petitioner is entitled for.

6. With the above observations and directions, this writ petition stands allowed. No costs. Connected miscellaneous petition is closed.

31.10.2023

Index: Yes

Speaking order

Neutral Citation: Yes

mp

To

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2. The Commissioner of School Education,
DPI, College Road,
Chennai – 600 006.
3. The Chief Education Officer,
Salem District, Salem.
4. The District Education Officer,
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W.P.No.3266 of 2023

M.S.RAMESH,J.

mp/hvk

W.P.No.3266 of 2023

31.10.2023