



W.P.No.11998 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2023

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.11998 of 2020
and
W.M.P.No.14727 of 2020

R.Kannan
P.G.Assistant (Physics)
Special Grade
Gokulanatha Hindu Mahajana
Higher Secondary School
Bretts Road, Salem -1

... Petitioner

/Vs/

1. The State of Tamil Nadu,
Rep. by its Secretary,
School Education Department,
Fort St. George,
Chennai - 600 009.
2. The Director of School Education,
College Road,
Chennai - 600 006.
3. The District Educatio Officer,
Salem District.
4. The Chief Educational Officer,



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Salem District.

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5. The Correspondent/Secretary,
Gokulanatha Hindu Mahajana
Higher Secondary School, Bretts Road,
Salem - 1.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the Respondents to forthwith promote the Petitioner to the Post of Headmaster in the 5th Respondent School, by passing Orders on the Representation of the Petitioner dated 07.06.2020 and 17.07.2020.

For Petitioner	:	Mr.C.P.Gowtham for Mr.V.Vijayshankar
For R1 to R4	:	Mr.T.Chezhian Government Advocate.
For R5	:	Ms.H.Marysowmi for Mr.Isaac Chamba

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus directing the Respondents to forthwith promote the Petitioner to the Post of Headmaster in the 5th Respondent School, by passing Orders on the



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Representation of the Petitioner dated 07.06.2020 and 17.07.2020.

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2.The Petitioner who was appointed as PG Assistant in the year 1996 had filed this Writ Petition seeking Writ of Mandamus to direct the Respondents.

3.According to the learned counsel for the Petitioner on 19.09.2017, the Petitioner was forced to give letter for relinquishing his promotion to the post of Headmaster by the then School Committee, in order to promote some other person to that post. Later, he came to know that the committee which forced him to give letter of relinquishment was not approved by the education department. So the Petitioner now claims that the relinquishment letter given to the unapproved Committee, cannot be of any consequence and hence he is entitled to be promoted to the post of Headmaster in the existing vacancy. The Petitioner has also given representation to the fourth and the fifth Respondents on 07.06.2020 and 17.07.2020.



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4. Heard the learned counsel for the Petitioner and the learned Government Advocate for Respondents 1 to 4 and the learned counsel for the fifth Respondent.

5. From the counter affidavit of the third and the fourth respondents and from the submission of the learned Government Advocate, it is seen that the Headmaster post was given to some other person viz., Mr.V.Nanjaiah. It is further submitted that the Petitioner, who had relinquished the promotion by giving letter on 19.09.2017, had come out with this Writ Petition, without challenging the promotion given to V.Nanjaiah and without adding him as party to this proceedings.

6. The Petitioner has stated that even he had given his relinquishment letter to the then Committee, the said Committee was not approved by the education department. Since the claim of the Petitioner is interlinked with the authority of the Committee, which actually found to be fit by the education department, I feel it is only proper to direct the Respondents to give a fresh consideration for the representation of the Petitioner and pass



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orders on its own merits, within a period of four weeks, after giving notice to Mr.V.Nanjaiah, who is also an aggrieved party to the proceedings.

7.With this direction, this Writ Petition is disposed of. No costs.

Consequently connected Miscellaneous Petition is also closed.

09.10.2023

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

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To

1. The Secretary,
School Education Department,
Fort St. George,
Chennai - 600 009.
2. The Director of School Education,
College Road,
Chennai - 600 006.
3. The District Education Officer,
Salem District.



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R.N.MANJULA, J.

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4. The Chief Educational Officer,
Salem District.
5. The Correspondent/Secretary,
Gokulanatha Hindu Mahajana
Higher Secondary School, Bretts Road,
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