



W.P.No.17763 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.17763 of 2023 &

WMP.Nos.16861, 16863 & 16864 of 2023

K.Jeyachitra Roseline

... Petitioner

Vs

- 1 The Director of Elementary Education,
College Road, Chennai – 600 006.
2. The Chief Educational Officer,
Vellore, Vellore District,
3. The District Educational Officer,
Vellore, Vellore District.
4. The Block Educational Officer,
Pernampet Range, Pernampet, Vellore District.
5. The Correspondent,
IELC Aided Elementary School,
Peranampet, Vellore District.

... Respondents

Prayer:- Writ Petition filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records made in the



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impugned Order passed by the third respondent vide O.Mu.No.109/Aa2/2023, dated 12.05.2023 and quash the same and direct the respondents to approve the appointment of the petitioner as Headmistress in the fifth respondent school w.e.f.13.06.2022 with all consequential and monetary benefits.

For petitioners : Mr.S.N.Ravichandran

For Respondents : Mr.P.Balathandayutham
Special Government Pleader – R1 to R4

Mrs.Dakshayani Reddy, Sr. Counsel
for Mr.B.Gopalakrishnan – R5

ORDER

This Writ Petition has been filed to quash the impugned Order passed by the third respondent vide O.Mu.No.109/Aa2/2023, dated 12.05.2023 and direct the respondents to approve the appointment of the petitioner as Headmistress in the fifth respondent school w.e.f.13.06.2022 with all consequential and monetary benefits.

2. The petitioner, originally joined duty Teacher Training Institute as management staff. According to the petitioner, she was appointed as Head Master in the said institution on 30.05.2008. The said institution was under



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the control of the fifth respondent. Her appointment as B.T. Head Master was duly approved by the Principal, District Institute of Education and Research by proceedings dated 18.01.2010 with effect from 02.06.2008. In the meanwhile, as the Teachers Training Institute faced down fall from the academic year 2018-2019, the Teacher Training School has been closed. Due to some dispute among the members in the management, an interim administrator Justice Hariparandhaman, retired Judge of this Court has been appointed vide Order of this Court dated 26.07.2018. After the closure of the school, the petitioner gave a representation to the Administrator to accommodate her in any other school run by the fifth respondent. Pursuant to the representation of the petitioner, the interim administrator by letter dated 11.12.2018 and 26.12.2018, requested the fifth respondent to absorb the petitioner in any school run by them. Pursuant to the proceedings dated 27.02.2019, Orders have been passed by the Principal District Institute of Educational and Research Institute and Principal District Institute of Education and Training, Ranipet permitting transfer of the petitioner to any of the school under the same management.

3. The District Education Officer passed a proceedings dated



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22.07.2020 to the effect that the petitioner should be absorbed or transferred to any of the school run by the fifth respondent. Thereafter, it appears that the petitioner also gave a representation dated 23.08.2021 relinquishing her back wages from 2018 to 13.06.2022 except the salary. However, she also sought continuance of service along with attendant benefits. Pursuant to the representation given by the petitioner, the Administrator has recommended IELC Elementary School at Pernampet under the control of the Block Educational Officer, Pernampet and she has been appointed as Head Master of IECC, Pernampet. However, the impugned Order has been passed rejecting the approval mainly on the ground that the appointment of the petitioner is not as per the Special Rules of Subordinate service and the petitioner has not obtained Diploma in Teacher Education besides she has not possessed experience in teaching. Hence, the recommendation of the interim administrator has not been accepted.

4. Head both sides. It is not in dispute that the petitioner has been appointed as Head Master and the same has been approved and the proceedings of the respondent also indicate that whenever, the school run by the management is closed, the teachers working in the same management can



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be transferred to other school where ever vacancy is available. Thus, the proceedings dated 27.02.2019 and 22.07.2020 confirm the above fact. These facts are also not in dispute. It is also not in dispute that the petitioner was Administration Head of the institute run by the fifth respondent. The said school was closed only in the year 2018. Such being the position, this Court is of the view that when the petitioner has also given up her back wages and only seeks continuity of service, the third respondent ought to have approved her appointment. Now, the learned Senior Counsel appearing for the fifth respondent submitted that since the Head Master in Elementary School, Pernampet has been filled up, they will consider the case of the petitioner and they will accommodate the petitioner in Middle School, Krishnagiri, from October 2023. The learned Senior Counsel also submitted that the resolution has also been passed by the Education Committee and they will send the same for approval to the respondent. The submission of the learned Senior Counsel is recorded.

5. Admittedly, as the Elementary School Head Master, Pernampet has already been filled up and no vacancy is available in Pernampet and now the fifth respondent themselves submitted that they shall accommodate the



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petitioner as the Head Master of Middle School, Krishnagiri and a resolution has also been passed in this regard, the third respondent shall approve the proposal sent by the fifth respondent within a period of two months. The contention of the respondents that the petitioner did not have sufficient qualification also cannot be countenanced for the simple reason that as per Special Rules for the Tamilnadu Elementary Education Subordinate Service, the Headmaster of the primary school has to possess graduation and B.Ed. degree. The petitioner is also having such qualification. Hence, there will be no difficulty to appoint the petitioner as the Middle school Headmaster, since the petitioner is having requisite qualification and the respondent shall approve the proposal sent by the fifth respondent. Till the appointment is approved as Headmaster in the Middle School, the said period shall be treated as leave period for all other benefits. However, the petitioner is not entitled to any backwages.

6. With the above directions, this Writ Petition is allowed and the impugned Order dated passed by the respondent is set aside. No costs. Consequently, connected miscellaneous petitions are closed.



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Index:Yes/No

Neutral Citation : Yes/No

vrc

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N.SATHISH KUMAR, J.

VTC

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