



W.P.No.16972 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.16972 of 2018

and

WM.P.Nos.20217 and 20227 of 2018

S.Rajeswari

... Petitioner

Vs.

1.The Chief Educational Officer,
Presidency Girls' HSS Compound,
Egmore,
Chennai - 600 008.

2.The District Educational Officer,
Chennai Central,
Saidapet,
Chennai - 600 015.

3.The Secretary,
Gopalapuram Boys' Higher Secondary School,
No.11, Conran Smith Road,
Gopalapuram,
Chennai - 600 086.

... Respondents



W.P.No.16972 of 2018

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Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the two impugned orders of the 3rd respondent dated 27.06.2018, quash the same and direct the respondents to consider the petitioner for promotion to the post of Headmistress in the 3rd respondent School.

For Petitioner : Mr.P.Mohan Raj
for Mr.S.V.Sukumar

For Respondents : Mr.L.S.M.Hasan Fazal,
Additional Government Pleader
for R1 and R2

Mr.G.Sankaran,
Senior Counsel
for Mr.S.Nedunchezhiyan
for R3

ORDER

This petition has been filed to quash the order of the two impugned orders of the 3rd respondent dated 27.06.2018 and to direct the respondents to consider the petitioner for promotion to the post of



W.P.No.16972 of 2018

Headmistress in the 3rd respondent School.

2.It is the case of the petitioner that the petitioner was initially appointed as P.G. Assistant (Biology) on 27.02.1997 in the 3rd respondent School. The said appointment was duly approved by the 2nd respondent. The petitioner is the Senior most among the teachers working in the School and fully qualified to the post of Headmistress. While so, the 3rd respondent issued an office order dated 27.04.2017 appointing the petitioner as Headmistress in-charge with effect from 30.04.2017 AN in the place of one Mr.K.Baskaran, who retired on 30.04.2017 on attaining the age of superannuation. On account efforts made by the petitioner, the students of the school performed well in the examinations. On 18.06.2018, the 3rd respondent has issued a notice to the petitioner and other teachers informing to come for an interview scheduled to be held on 19.06.2018 at the School premises



W.P.No.16972 of 2018

WEB COPY

to the post of Headmaster/Headmistress. Therefore, the petitioner made a representation to the respondents to give promotion to the petitioner in the said post. Thereafter, the 3rd respondent without declaring the results with regard to the selection has now published a notice dated 27.06.2018 in the Notice Board of the School calling for applications to the post of Head (in-charge). The last date of submission of the application was mentioned as 06.07.2018. On 27.06.2018, the 3rd respondent issued an order relieving the petitioner from the post of Headmistress in-charge making some allegations and asking to hand over the charge. Further, the petitioner has given reply to the School. Till date the petitioner is continuing in the post of Headmistress in-charge and holding the date as on date. The impugned notice dated 27.06.2018 issued by the 3rd respondent is illegal and contrary to Law. Hence, this Writ Petition.



W.P.No.16972 of 2018

WEB COPY

3.The 3rd respondent filed their counter stating that numerous complaints were received by the 3rd respondent against the petitioner regarding her lack of administration. Therefore, the 3rd respondent had issued a letter dated 21.02.2018 to the petitioner pointing out the late coming of teachers, lack of discipline among the students and failure to take corrective action in this regard for the last nine months. The petitioner did not reply to the same till date. Subsequently, after the visit of the 1st respondent to the school premises, the 3rd respondent sent another letter dated 10.03.2018 to the petitioner stating that the respondents were getting several complaints about the School and its performance and the petitioner had admitted her inability to control the students and teachers for better performance to the 1st respondent and further, explanation called for from the petitioner was not provided till date.



W.P.No.16972 of 2018

WEB COPY

4.Further, the 3rd respondent in their counter stated that after the visit of the 1st respondent to the School on 10.03.2018, the 3rd respondent sent another letter dated 19.03.2018 to the petitioner, wherein the 1st respondent pointed out various deficiencies and further explanation called for from the petitioner was not given till date. Thereafter, the 3rd respondent was constrained to issue a notice on 18.06.2018 to the petitioner as well as other teachers to come for an interview. The petitioner gave representations to the respondents on the same day. The petitioner gave a reply to the notice dated 18.06.2018 and the 3rd respondent issued the impugned order dated 27.06.2018 wherein they stated that the inaction of the petitioner allowing the indisciplinary culture to set in amongst the teachers and students which has in turn affected the results of the 10th and 12th standard students and the image of the School.



W.P.No.16972 of 2018

WEB COPY

5.The 3rd respondent in their counter further stated that the 3rd respondent had received several complaints from the colleagues and co-teachers of the petitioner which is a first time happening in the history of the 90 year old school. The petitioner had sent a letter dated 30.06.2018 in which she refuted the allegations given by the colleagues. The 3rd respondent sent a reply on 05.07.2018 that they were not convinced to accept the explanations given in the above letter and that they were relieving the petitioner from the roles and responsibilities as Headmistress in-charge.

6.The learned counsel appearing for the petitioner would submit that the 3rd respondent issued an office order dated 27.04.2017 appointing the petitioner as Headmistress in-charge with effect from 30.04.2017AN in the place of one Mr.K.Baskaran, who retired from service on attaining the age of superannuation on 30.04.2017. On



W.P.No.16972 of 2018

WEB COPY

account of efforts made by the petitioner, the students of the school performed well in the examinations. Thereafter, the 3rd respondent has issued a notice on 18.06.2018 to the petitioner and other teachers to attend an interview scheduled to be held on 19.06.2018 at the School premises to the post of Headmaster/Headmistress. The petitioner is the senior most among the teachers working in the School and fully qualified to the post of Headmistress. Therefore, the petitioner made a representation to the respondents to give promotion to the petitioner in the said post. Without declaring the results with regard to the selection, the 3rd respondent has now published a notice dated 27.06.2018 in the Notice Board of the School calling for applications to the post of Head (in-charge). On 27.06.2018, the 3rd respondent issued an order relieving the petitioner from the post of Headmistress in-charge making some allegations and asking to hand over the charge. Further, the petitioner has given reply to the School



W.P.No.16972 of 2018

and she is continuing in the post of Headmistress in-charge till date and holding the said post as on date.

7.The learned counsel appearing for the respondents would submit that numerous complaints were received by the 3rd respondent against the petitioner regarding her lack of administration. Further, explanations called for from the petitioner was not given till date. After the visit of the 1st respondent to the School on 10.03.2018, the 3rd respondent sent another letter dated 19.03.2018 to the petitioner, wherein the 1st respondent pointed out various deficiencies and further explanation called for from the petitioner, was not given till date. Thereafter, the 3rd respondent was constrained to issue a notice on 18.06.2018 to the petitioner as well as other teachers to come for an interview. Thereafter, the 3rd respondent issued the impugned order dated 27.06.2018 wherein they stated that the



W.P.No.16972 of 2018

inaction of the petitioner allowing the indisciplinary culture to set in amongst the teachers and students which has in turn affected the results of the 10th and 12th standard students and the image of the School. Further, the 3rd respondent had received several complaints from the colleagues and co-teachers which is a first time happening in the history of the 90 year old school.

8.The learned Additional Government Pleader for the respondents 1 and 2 would submit that as per Rule 15(4) of the Tamil Nadu Recognized Private Schools (Regulation) Rules, 1974, the petitioner should not be given promotion based on her seniority. If she is found unfit to discharge the duties of the higher post, she may be passed over and an officer junior to her may be promoted.



W.P.No.16972 of 2018

WEB COPY

9.Heard the learned counsel appearing on either side and perused the papers.

10.According to the petitioner, she was asked to attend the interview on 19.06.2018 and she also participated in the said interview. But, the respondents did not declare the results with regard to the selection. Now, the 3rd respondent published a notice dated 27.06.2018 in the Notice Board of the school calling for applications to the post of Head (in-charge) for the 3rd respondent School, which is illegal. The petitioner is continuing in the post of Headmistress in-charge till date and holding the post as on date.

11.The learned counsel appearing for the 3rd respondent would submit that if the petitioner continues in the post of Headmistress in-



W.P.No.16972 of 2018

charge the respondents are not able to take proper steps on various vital issues and now the respondents are ready and willing to fill up the post of Headmaster/Headmistress. Further, he would submit that this Court may pass appropriate orders on this issue.

12.The learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that as per Rule 15(4) of the Tamil Nadu Recognized Private Schools (Regulation) Rules, 1974, promotion shall be made on grounds of merit and ability, seniority of the candidates.

13.The petitioner is continuously working as Headmistress (in-charge) of the 3rd respondent/School for a long time. Rule 15(4) of the Tamil Nadu Recognized Private Schools (Regulation) Rules, 1974 is as follows:



*"Rule 15(4) of the Tamil Nadu Recognized Private
Schools (Regulation) Rules, 1974,*

*(i)Promotion shall be made on grounds of merit
and ability, seniority of the candidates. being considered
only when merit and ability are approximately equal...."*

14.Considering the facts and circumstances of the case, the impugned order passed by the 3rd respondent is set aside only in respect of in-charge of the post. The 3rd respondent is directed to issue a vacancy Notification, after giving sufficient opportunity to the qualified persons and on what mode they are going to recruit and hold the interview inviting all the candidates. The 3rd respondent is also directed to publish the results to the concerned parties.

Accordingly, this Writ Petition is disposed of. Consequently,



W.P.No.16972 of 2018

connected miscellaneous petitions are closed. No costs.

15.11.2023

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

mps

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W.P.No.16972 of 2018



WEB COPY



W.P.No.16972 of 2018

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