



W.P.No.19101 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.19101 of 2018
and W.M.P.No.22480 of 2018

T. Mahalakshmi

... Petitioner

Vs.

- 1.The Director of School,
College Road,
Chennai – 600 006.
- 2.The District Educational Officer,
South Madras,
Chennai.
- 3.The Secretary,
Guntur Subbiah Pillai T.Nagar Girls
Higher Secondary School,
19, Venkatnarayana Road,
T. Nagar,
Chennai – 600 017.

... 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 passed by the second respondent in Na.Ka.No.1983/A5/2018 dated 05.07.2018, quash the same and direct the



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second respondent to approve the appointment of the petitioner from the date of appointment as PG Assistant and confer all consequential benefits.

For Petitioner : Mr.V. Sivalingam

For Respondents : Mr.M. Shajahan,
Special Government Pleader [R1 & R2]
M/s.E. Thiyaga for
Mr.B. Balavijayan [R3]

ORDER

The third respondent herein is a Non-minority Aided Educational School. When the sanctioned post of P.G. Assistant in Tamil, fell vacant, owing to the retirement of one A. Balasundari on 31.05.2017, the petitioner herein who was working in the same School, was appointed as a P.G. Assistant (Tamil) on 07.06.2017 by the School Committee on promotion. The approval sought for such promotion was rejected by the second respondent through the impugned order dated 04.07.2018. The reason assigned in the impugned order is that the petitioner cannot be promoted to the post of P.G. Assistant (Tamil) with M.A. (Tamil) qualification, when she was earlier promoted to the post of B.T. Assistant with the same qualification. Challenging the said order, the present Writ Petition has been filed.



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2. The reason assigned in the impugned order may not be sustainable since the regulations governing for such appointments to the post of Tamil Pandit as well as the promotion to the post of P.G. Assistant (Tamil) enable the petitioner to be appointed owing to her qualifications. The petitioner herein on joining the third respondent/School had got her Secondary Grade Training in the year 1997. Earlier, she had completed her degree in B.A. (Psychology) in October 1994. Thereafter, she had obtained her P.G. Degree in M.A. (Tamil) in May 1998 and B.Ed Degree in November 2015. In view of her possession of Masters Degree in M.A. (Tamil) and Secondary Grade Training, she was appointed as Tamil Pandit on 13.11.2002. Subsequently, in view of her possession of M.A. (Tamil) Degree along with B.Ed Degree, she was promoted to the post of B.T. Assistant.

3. The Government in G.O.Ms.No.185, School Education Department dated 18.06.1999, has prescribed the qualification for 'Tamil Pandits' as:

“(1) M.A. (Tamil) or B.A. (Tamil) or B.Lit. (Tamil) M.O.L. (Tamil) or B.O.L. (Tamil)”



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and

B.Ed or B.T. or Pandits Training or B.T. or Secondary Grade Training”

4. Likewise, the Tamil Nadu Recognized Private Schools (Regulation) Rules, 1974, prescribes the qualification for the post of P.G. Assistant as Masters Degree in Tamil or in languages (Tamil) or its equivalent and B.T. or B.Ed Degree or its equivalent.

5. When the petitioner was in possession of all the required qualifications mainly M.A. (Tamil) and the Secondary Grade Training for the purpose of appointment to the post of Tamil Pandits, as well as her qualification in M.A. (Tamil) and B.Ed Degree for the purpose of promotion to the post of B.T. Assistant, the reasoning adopted by the second respondent in the impugned order that there are no rules governing for approval of the petitioner's promotion to the post of P.G. Assistant (Tamil), cannot be sustained.

6. In view of the qualifications prescribed in G.O.Ms.No.185,



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School Education Department dated 18.06.1999, as well as in Tamil Nadu Recognized Private Schools (Regulation) Rules, 1974, the impugned order rejecting the proposal cannot be sustained. Consequently, liberty is hereby granted to the third respondent to resubmit the proposal seeking for approval of the petitioner's appointment to the post of P.G. Assistant (Tamil) with effect from 07.06.2017 and on receipt of the said proposal, the second respondent shall pass orders, approving the petitioner's appointment with effect from 07.06.2017 and thereby, disburse all the service and monetary benefits. Such order shall be passed be passed atleast within a period of four (4) weeks from the date of receipt of the proposal of the third respondent.

7. With the above directions, the Writ Petition stands allowed. No costs. Connected miscellaneous petition is closed.

12.01.2023

Speaking/Non-speaking Order

Neutral Citation: Yes/No

Index: Yes/No

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M.S.RAMESH,J.

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To

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