



WP.No.1705/2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.07.2023

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP.No.1705/2017

Mahajana Higher Secondary School
represented by its Secretary
Mr.N.Krishnaswamy
having office at Mettupalayam 641301.

... Petitioner

Versus

- 1.State of Tamil Nadu
represented by its Principal Secretary
School Education Department
[Higher Secondary], Fort St George
Chennai 600 009.
- 2.The Joint Director of School Education
[Higher Secondary], Directorate of School
Education, College Road, Chennai 600 006.
- 3.The District Educational officer
Raja Street, Coimbatore District.
- 4.Smt.N.Rajamani
- 5.Mr.N.Shanmugasundaram

... Respondents



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Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records relating to G.O.[4D] No.31, School Education [Pa.Ka.6[1]] Department dated 28.11.2016 issued by the 1st respondent confirming the orders of 2nd respondent issued in Pa.Mu.No.53155/W5/E3/2011 dated 30.10.2012 and the orders of the 3rd respondent issued in Letter No.4728/A2/2011 dated 15.09.2011, quash the same and consequently direct the 3rd respondent to grant approval of the appointment of 5th respondent Mr.N.Shanmugasundaram as Headmaster of petitioner School.

For Petitioner	:	Mr.R.Bharath Kumar
For RR 1 to 3	:	Mr.S.Ravikumar, Spl.GP
For R4	:	Mr.S.Nedunchezhiyan
For R5	:	Mr.R.Murali

ORDER

- (1) The writ petition has been filed in the nature of certiorarified mandamus seeking interference with the order of the 1st respondent dated 28.11.2016 by which, earlier orders of the respondents 2 and 3 dated 30.10.2012 and 15.9.2011 respectively were confirmed.



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- (2) The petitioner seeks that the 3rd respondent should grant approval of the appointment of the 5th respondent herein as Headmaster of the petitioner-School. The petitioner-School is an Aided Non Minority School. The provisions of the Tamil Nadu Recognised Private Schools [Regulation] Act, 1973 would apply to the petitioner-School.
- (3) In the year 2010, the post of Headmaster fell vacant consequent, retirement on superannuation by the then Headmaster. There was, therefore, the necessity to post any one among the teachers as Headmaster. A Committee was formed. After following due process, notices were also issued to the teachers inviting them to participate in the written test and followed by oral interview.
- (4) It is claimed by the learned counsel for the petitioner that the entire process was done in accordance with the Rules and Regulations and finally, the Committee had approved the appointment of the 5th respondent to the post of Headmaster. Papers in this regard were forwarded to the 3rd respondent for approval. However, the 3rd respondent did not grant approval and claimed that it is the 4th respondent who should have been selected for the post of



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Headmaster. Learned counsel for the petitioner took the Court through the impugned order by which, an impression was given that outsiders had actually evaluated the merits of the respondents 4 and 5 and this particular aspect was commented upon to the adverse interest of the petitioner-School by the 3rd respondent.

- (5) However, learned Special Government Pleader pointed out that subsequently, on 01.1.2018, necessary orders have been passed recognising the 5th respondent as the Headmaster of the petitioner-School. This fact is neither denied nor disputed by the petitioner herein. The only person who would have been affected by this order is the 4th respondent. But, it is contended by the learned counsel for the 4th respondent that the 4th respondent had the requisite experience and therefore, that experience if counted, would have made the 4th respondent eligible to be posted to the post of Headmaster. But, the learned counsel stated that the 4th respondent had since retired on attaining the age of superannuation.
- (6) The issue therefore, narrows down to the only effect of approval of 5th respondent as Headmaster of the petitioner-School, which



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according to the learned Special Government Pleader has been done and necessary orders in this regard has been produced before this Court.

(7) A perusal of the same would show that it had been issued on 01.10.2018 and also confirmed by the petitioner-School herein. In view of that particular fact, nothing further remains to be examined by this Court in this writ petition.

(8) The writ petition stands **disposed of**. No costs.

13.07.2023

AP

Internet : Yes

To

- 1.The Principal Secretary
State of Tamil Nadu
School Education Department
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- 2.The Joint Director of School Education
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