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W.P.No.34972 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2023

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.34972 of 2022
and
W.M.P.No.34405 of 2022

Saraswathi Vidhyala Aided Middle School,
Poonthottam 609 503,
Nannilam Block,
Thiruvarur District,
Rep. by its Secretary,
R.Gunasekaran

... Petitioner

Vs.

1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.

2.The Chief Educational Officer,
Thiruvarur District,
Thiruvarur.

3.The District Educational Officer,
Thiruvarur Education District,
Thiruvarur District.

4.The Block Educational Officer,
Nannilam Block,
Thiruvarur District.

... Respondents



PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings issued by the 3rd respondent bearing O.Mu.No.945/Aa3/2022 dated 26.05.2022 and to quash the same and consequently directing the respondents to approve the appointment of Thiru G.Janakiraman in the post of Headmaster of the petitioner School with effect from 14.08.2019 based on the proposal submitted by the petitioner school on 05.05.2022 with all consequential and other service benefits including the payment of salary from the date of appointment, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran
for Mr.C.Prabakaran

For Respondents : Mr.R.U.Dinesh Raj Kumar
Additional Government Pleader

ORDER

The petitioner has challenged the impugned order dated 26.05.2022 issued by the third respondent, rejecting the petitioner's request for approving the appointment of one G.Janakiraman to the post of Headmaster of the petitioner School with effect from 14.08.2019 based on the petitioner's proposal dated 05.05.2022.



2. The reason for rejection given by the third respondent are as follows:

- a) The petitioner had not obtained prior approval from the third respondent before appointing G.Janakiraman as the Headmaster of the petitioner School with effect from 14.08.2019;
- b) The renewal of the recognition of the petitioner School was not obtained after 2015;
- c) The petitioner's School Committee had not been renewed after 27.02.2021;
- d) G.Janakiraman, had not passed the Teacher Eligibility Test (TET);
- e) Surplus teachers were working in the School.

3. The learned counsel for the petitioner would now submit on instructions that the petitioner is willing to re-submit its proposal to the third respondent, seeking for approval of the appointment of G.Janakiraman to the post of Headmaster in the School of the petitioner with effect from 14.08.2019 and the petitioner is also willing to clarify with the third respondent with regard to the alleged discrepancies raised by the third respondent.



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4. Learned counsel for the petitioner would further submit that the contentions raised by the third respondent in the impugned order is covered by the decisions of this Court.

5. No prejudice would be caused to the respondents, if the petitioner School is permitted to re-submit its proposal, seeking for approval of the appointment of G.Janakiraman to the post of Headmaster in the petitioner's School with effect from 14.08.2019 and are also permitted to clarify the third respondent with regard to the discrepancies raised by the third respondent in the impugned order and a direction is also issued to the third respondent to pass final orders on the petitioner's fresh proposal, on merits and in accordance with law, within a time frame to be fixed by this Court.

6. Since the matter will have to be re-considered once again by the third respondent, the impugned order dated 26.05.2022 passed by the third respondent has to be necessarily quashed and the same is hereby quashed.

7. The petitioner is permitted to clarify with the third respondent with



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regard to the discrepancies raised by the third respondent in the impugned order dated 26.05.2022 and is also permitted to submit a fresh proposal to the third respondent, seeking for approval of the appointment of G.Janakiraman to the post of Headmaster in their School with effect from 14.08.2019, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said fresh proposal, the third respondent is directed to pass final orders, on merits and in accordance with law, within a period of six weeks thereafter.

8. With the aforementioned directions, this Writ Petition is disposed of. No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

02.01.2023

Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No
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ABDUL QUDDHOSE. J.,

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**02.01.2023
(1/2)**