



W.P(MD)No.359 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2023

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.359 of 2023

and

W.M.P(MD)No.341 of 2023

The Headmaster
Government Higher Secondary School
Veerasingamani
Tenkasi District.

... Petitioner

Vs.

1.The Deputy Director General,
National Cadet Corps,
St.George Fort,
NCC Directorate (TN, P&AN)
Chennai.

2.The Group Commander,
NCC, Group Head Quarters,
No.26, VPR Road,
Visalakshipuram,
Madurai-625 014.

3.The Commanding Officer 2(TN),
Naval Unit, NCC
No.9-4/49, 2nd Main Road,
Kalai Nagar,
Madurai-625 017

... Respondents



W.P(MD)No.359 of 2023

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 2nd respondent in his proceedings in 512/1/Pers dated 09.11.2022 and quash the same and direct the respondents to appoint Tmt.D.Kavitha Physical Education Teacher as NCC Officer(Care Taker) and to continue the NCC Naval unit in the petitioner school with all consequential benefits.

For Petitioner	: Mr.V.Panneer Selvam
For R1 to R3	: Ms.M.Karthikeya Venkatachalapathy Government Advocate

ORDER

This writ petition has been filed in the nature of a Certiorarified Mandamus seeking interference with an order passed by the second respondent in proceedings No. 512/1/Pers dated 09.11.2022 and to direct the said respondent to appoint Tmt.D.Kavitha Physical Education Teacher as NCC Officer(Care Taker) and to continue the NCC Naval unit in the petitioner school.

2.The petitioner school is a Higher Secondary School at Veerasigamani, Tenkasi District. The only request placed by the Headmaster of the said school is a request that the students must be afforded training in National Cadet Corps. The training was provided. But as is always, there was also an issue that the teacher who was taking the training had to take leave. She rejoined on



W.P(MD)No.359 of 2023

completion of the leave period.

3. The respondents contended that this particular issue was not brought to their notice and there was a break in training. They were not thereafter able to provide training in NCC (Naval) to the students of the school.

4. Let me go into the facts in a little more detailed manner. The petitioner School has been functioning from 1970 and “A” certificate had been issued by the National Cadet Corps. The students have got the benefit of employments in State and Central Government owing to such training. They have also joined Tamil Nadu Public Service and Defence Service. There were also girl students who were selected in Tamil Nadu Police as well as BSF and CRPF. The Headmaster was therefore of the firm opinion that the students should be afforded an opportunity of being trained as NCC cadre.

5. It had been stated that NCC has been functioning in this particular Government School for the past 54 years. The respondents must realize that therefore there is a tradition in that particular school and students also join for among other reasons, also because they would get exposure to this training during the years when they studied in the school.



W.P(MD)No.359 of 2023

6. Till 1994 P.Thirumalai Mailvel functioned as NCC Chief Officer.

Thereafter, from 1994-95 P.Padmanathan was working as care taker holding that post. P.Subramanian then functioned as NCC Chief Officer from 1995 to 2018. He retired on 25.07.2018. Tmt.D.Kavita, Physical Education Teacher was appointed as care taker for NCC from 26.07.2018 till 25.07.2019 and her appointment was also approved by the respondents. She then went on maternity leave. This fact is disputed by the respondents. As a matter of fact, this should not be denied or disputed or questioned by the respondents. Going on maternity leave is a right vested with every women who is in employment. That issue should never had been raised as a factor to de-list the school from being considered as a school to undergo NCC training. But unfortunately, that has happened. The respondents contend that since they were not informed, about the real reason, they dispute that particular reason given by the petitioner herein. I am not able to comprehend that contention. A lady went on maternity leave. She rejoined after the leave period having given birth to a child. During that interregnum period, Tmt.M.Selvalakshmi was appointed as care taker from 26.07.2019 till 25.07.2020. This appointment was also approved by an order, dated 14.02.2020.

7. To became an Associate NCC Officer, training has to be given which



W.P(MD)No.359 of 2023

is called PRCN training and has to be completed within a period of 24 months.

Tmt.M.Selvalakshmi was successful in the interview held at Chennai. She was recommended for such training. She was however not sent for training only because there was no vacancy in the list of those who could be accommodated for training.

8. Thereafter, COVID-19 pandemic set in and the respondents did not conduct the training periodically. Tmt.M.Selvalakshmi, resigned on 26.04.2022, again not owing to any other reason, because she was taking treatment for fertility, which reasons according to the petitioner was informed to the respondents. Thereafter, Tmt.D.Kavita, who had gone on maternity leave, rejoined and expressed her willingness to work as NCC Officer. The petitioner then sent a communication to the respondents to confirm the appointment of Tmt.D.Kavita, who already held the post between 26.07.2018 till 25.07.2019 and functioned as NCC Officer. Her appointment was not approved. A communication was sent to suspend the training for the students. The petitioner had given a reply on 26.07.2022. The second respondent passed an order on 09.11.2022 finally withdrawing the NCC troop from the school. Questioning that particular order, the present writ petition had been filed.



W.P(MD)No.359 of 2023

9.It had been informed to the Court that one Mr.Nirmalan Balraj, B.T. Assistant Maths teacher, at St.Mary's Higher Secondary School, Madurai, has been given in-charge responsibility to give training to the students.

10. This Court had thought the entire issue could be settled through discussion and had invited the officials from the respondents, to attend a Mediation session with the Headmaster of the school. The learned counsels also attended. Unfortunately, the official, who attended representing the respondents was not in a position to take any decision. I am not able to comprehend why he came ever to attend the mediation process. He simply stated that he was present is only because the Court had want a mediation session to be conducted and that he was not in a position to take any decision. No decision was taken. The matter has come back to the Court.

11.A string of documents had been presented by the learned counsel for the respondents which included circulars and other aspects. It is primarily contended that the training has to be conducted for the teacher at Gwalior and even if that is done, no assurance is held out that the petitioner school would be recognised for the students therein to be given NCC training. It is stated that that there are several schools waiting in the queue and therefore, it may not be



W.P(MD)No.359 of 2023

possible to accommodate the petitioner school.

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12. The respondents should take into account that the Government Higher Secondary School at Veerasigamani Tenkasi District had been conducting training in National Cadre/NCC/ Naval Unit from the year 1954 onwards. Some recognition must be given to this long period. The respondents should also take into consideration the fact that several students passing out of the Government Schools in Southern District of this State and in Vellore District and in Thirvanamalai District, opt to join the Army, the BSF and the Armed Forces. This is not restricted only to boys but also to girls. A sizable number of students are selected from the Southern Districts, to serve the nation in their capacity as Jawans or otherwise in the armed forces. The basis for such intention to join the armed force is the training which is given to them in school while they undergo NCC training. If that opportunity is denied, automatically the interest of the students to join the army would also decline. This would be a national loss.

13. The respondents should realize that in the larger perspective, they cannot brush aside a particular Government School in a corner of the State and claim that they are not interested in that particular school in extending training



W.P(MD)No.359 of 2023

to that particular school. This attitude cannot be appreciated by the Court.

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14. A teacher Tmt.D.Kavita has been now nominated. Let her be given training at Gwalior or at any other place after following due procedure. Let an interview be conducted. Let her be invited for the interview whenever the interview is conducted. If the training is to be conducted at Gwalior, let her go over to Gwalior and undergo the training. This could be done only if there is an assurance held that NCC training for the students would be re-commenced for the petitioner school.

15.I would therefore direct that the respondents to afford that particular opportunity to the petitioner school. The petitioner may suggest a responsible teacher, if not D.Kavita, any other teacher who may be interviewed in proper manner and if successful may be granted training at Gwalior or wherever the training is to be conducted by the respondents. It must be kept in mind that the other teacher Selvalakshmi had attended the interview and was selected for training and had expressed intention to undergo such training but could not go only because of lack of vacancy.

16. If a training schedule is to be conducted and if Tmt.D.Kavita or any



W.P(MD)No.359 of 2023

other teacher of the petitioner school successfully completes the interview stage, then every effort must be taken by the respondents to accommodate that particular teacher to be given further training at Gwalior and thereafter if on successful completion of such training, make every effort to ensure that the school is once again recognized as a school in which NCC training can be imparted to the students therein. The respondents may realize that as they serve the Country, young students also serve the Country by taking forward ethics taught later in life.

17. The following directions are issued:

(i)The petitioner may nominate a particular teacher for training to be imparted in NCC as a training teacher.

(ii)The respondents may conduct interview whenever such interview are scheduled to be conducted for this particular nominated teacher.

(iii)If the particular teacher successfully completes the interview, then further training may given in Gwalior and effort may be taken to include that particular teacher, since the school was having NCC classes from the year 1954.

C.V.KARTHIKEYAN, J.



W.P(MD)No.359 of 2023

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(iv)After completion of training and if it was successful completion of training, this particular school may be again considered as a school where NCC training could be afforded to the students.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

23.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No

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To

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