



W.A.(MD).No.1273 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.11.2023

CORAM

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.A.(MD).No.1273 of 2022
and
C.M.P.(MD).Nos.9842 and 11717 of 2022

The Correspondent,
Melapalayam Hindu Middle School,
Kadayanallur,
Tirunelveli District.

.. Appellant/6th Respondent

Vs.

1.Thirikudarajan

...1st Respondent/Writ Petitioner

2.The Secretary to Government,
Department of School Education,
St.George Fort,
Chennai.

3.The Director of School Education,
College Road,
Chennai.

4.The Chief Educational Officer,
Tirunelveli District at Tirunelveli.

5.The District Educational Officer,
Tenkasi,
Tirunelveli District.



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6.The Block Educational Officer,
Kadayanallur,
Tirunelveli District.

..Respondents 2 to 6/
Respondents 1 to 5

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 22.06.2022 in W.P.(MD).No.1191 of 2020.

For Appellant	: Mr.B.Michael Sebastin
For R-1	: Mr.S.Rajasekar for M/s.T.Lajapathi Roy Associates
For R-2 to R-6	: Mr.SP.Maharajan Special Government Pleader

JUDGMENT

(Judgment of the Court was delivered by S.M.SUBRAMANIAM,J.)

The appellant is the Correspondent, Melapalayam Hindu Middle School. The Writ Petition was filed by the first respondent/Thirikudarajan challenging the proceedings of the Block Educational Officer, Kadayanallur, Tirunelveli District dated 19.12.2019.

2. Admittedly, there is a dispute within the management. The proposal submitted by the management for promotion of the petitioner to



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the post of Middle School Head master was returned by the competent educational authorities through the impugned order in the Writ Petition dated 19.12.2019.

3. It is brought to our notice that even before the said order, the School is functioning under direct payment. While so, the learned counsel appearing on behalf of the first respondent made a submission that promotions are to be granted to the teachers working in the school and on account of management dispute, the authorities are unable to consider the eligible teachers for further promotion to the post of Headmaster. In this regard, Special Officer is to be appointed.

4. We are of the considered opinion that the Special Officer under the Act is to be appointed only on certain limited grounds and in the present case, the findings of the learned Single Judge would be insufficient to form an opinion that a Special Officer is to be appointed by the order of High Court. The authorities are bound to conduct an enquiry and only after ascertaining the facts and circumstances, such appointment of Special Officer is to be made. The teachers are getting salary and other benefits



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through direct payment system and therefore, their rights are not affected.

This being the factum, the official respondents/educational authorities are directed to conduct an enquiry and initiate all appropriate actions by following the procedures as contemplated under the Act and Rules in force and thereafter, decide whether appointment of Special Officer is warranted or not or to consider approval of the writ petitioner as Headmaster. All such issues are to be decided on merits and in accordance with law. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this judgment. Consequently, the order dated 22.06.2022 passed in W.P.(MD).No.1191 of 2020 is set aside.

5. With the above observations, the Writ Appeal stands partly allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) (V.L.N.,J.)
01.11.2023

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



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