



W.P.(MD)No.17923 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.17923 of 2016

and

W.M.P(MD)Nos. 5897 & 5898 of 2016

V.Dhanasekaran

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort Saint George, Chennai-600 009.

2. The Director of School Education,
College Road, Chennai – 600 006.

3. The Chief Educational Officer,
Madurai District, Madurai.

4. The District Educational Officer,
Usilampatti, Madurai District.

5. Nadar Saraswathi Higher Secondary School,
Usilampatti – 625 532,
Madurai District,
Represented by its Correspondent.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Mandamus*, directing the 3rd respondent herein to approve forthwith the promotion of petitioner of Headmaster of the 5th respondent school from 17.2.2011 to 31.05.2016 with salary and other attendant benefits.

For Petitioner : M/s.E.V.N.Siva

For R-1 to R-4 : Mr.M.Ramesh
Government Advocate

ORDER

This writ petition is filed for *Writ of Mandamus*, directing the 3rd respondent to approve the petitioner's promotion as Headmaster of the 5th respondent school for a period from 17.2.2011 to 31.05.2016.

2. The petitioner was serving in the 5th respondent school as PG Assistant from 1988 onwards. Thereafter, there was some management dispute, subsequently it was decided in Civil Court. In the meanwhile, one Rajendran was holding the post of Headmaster, due to his retirement on 30.04.2010, the Headmaster post became vacant. During that time, the management was not in existence. The petitioner being senior most PG Assistant was designated as



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Higher Secondary Headmaster and he was serving in the designated post from 01.04.2010 onwards. In the meanwhile, the management dispute was resolved for a short period and Correspondent was appointed on 10.02.2011. The said Correspondent has appointed the petitioner as Headmaster on 17.02.2011 before getting any approval from the school committee and the Correspondent has submitted the proposal to approve the promotion to the respondents. The District Educational Officer has considered the said proposal and granted the approval on 10.02.2011. In the meanwhile, again there was management dispute and hence, the school committee could not pass any resolution. However, the petitioner has continued in the said post as Headmaster until superannuation and retired from service on 31.05.2016. but the CEO, the 3rd respondent herein has not approved the petitioner's promotion as Headmaster. Hence the petitioner has filed this writ petition to direct the 3rd respondent to approve the promotion of the petitioner and grant salary to the post of HM for the period from 17.2.2011 to 31.05.2016.

3. The respondents have not approved the appointment of the petitioner, even though, the Correspondent has appointed the petitioner in the said post. The contention of the respondents is that, there was no resolution by the



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school committee to appoint the petitioner as HM and hence the same cannot be approved.

4. Heard M/s.E.V.N.Siva, learned counsel appearing for the petitioner and Mr.M.Ramesh, learned Government Advocate, appearing for R-1 to R-4. Perused the material documents available on record.

5. Admittedly, the Correspondent had appointed the petitioner as Headmaster and admittedly the petitioner has served as Headmaster for a period from 17.2.2011 to 31.05.2016. Since, there was frequent dispute in the management, the school committee could not be formed, the promotion proposal of the petitioner could not be considered by the school committee. By citing the absence of school resolution and management's dispute the petitioner's promotion cannot be declined. When the petitioner had served as HM based on the appointment of the correspondent, more so when the petitioner has attained superannuation, the benefits attached to the post of HM cannot be declined. Hence, the petitioner is entitled to approve the promotion and also for consequential monetary benefits. The respondents are directed to approve the



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appointment of the petitioner as Headmaster for the period from 17.2.2011 to 31.05.2016 and grant the salary and the subsequent terminal benefits to the petitioner. The said exercise shall be completed within a period of 8 weeks, from the date of receipt of a copy of the order.

6. With the above observations, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
Internet : Yes
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S.SRIMATHY, J

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**Order made in
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