



W.P.(MD).No.25819 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2023

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THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.25819 of 2023

and

W.M.P(MD)Nos.22124 & 22126 of 2023

The Correspondent,
Punitha Arulappan Higher Secondary School,
Avudayanoor,
Tenkasi District.

... Petitioner

Vs.

1.The Director of School Education,
Chennai-600 006.

2.The Chief Educational Officer,
Tenkasi District.

3.The District Educational Officer (Secondary),
Tenkasi & District.

... Respondents

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 second respondent in his proceedings in O.Mu.No.4219/A2/2023, dated 25.09.2023 quash the same and direct the respondents to approve the promotion of X.Antony Arul Pradeep as Headmaster of the Punitha Arulappan Higher Secondary School, Avudayanoor



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and disburse the grant in aid from the date of promotion (i.e.) from 10.05.2022 with all consequential benefits.

For Petitioner : Mr.V.Panneerselvam

For Respondents : Mr.V.Om Prakash
Government Advocate

ORDER

The present writ petition has been filed by an Aided Minority Institution challenging the order passed by the second respondent herein, wherein their request for approving the appointment of one X.Antony Arul Pradeep as Head Master of Higher Secondary School was rejected.

2. According to the learned Counsel appearing for the writ petitioner, one X.Antony Arul Pradeep was appointed as a B.T Assistant on 15.03.2010 and the said appointment was also approved by the authorities. The said candidate is having a P.G degree with B.Ed. After completion of 10 years of experience, he was promoted to the post of Higher Secondary School Head Master by way of an order, dated 07.05.2022. A proposal was forwarded to the second respondent herein on 01.07.2022 seeking their approval for the said promotion. The proposal was rejected under the order impugned in the writ petition on the



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ground that in view of the Tamil Nadu Recognized Private Schools (Regulation) Act, 2018 and the Rules, 2023, the post of B.T Assistant is not the feeder category for being appointed as a Head Master of a Higher Secondary School. This order is under challenge in the present writ petition.

3. According to the learned Counsel appearing for the writ petitioner, on a similar ground, the appointment of a Head Master of the same School was rejected in the year 2015 and the same was challenged in W.P(MD)No.19022 of 2015. This Court was pleased to allow the writ petition on 02.11.2016, directing the authorities to approve the promotion. In the present case, the promotion has been effected on 07.05.2022 and the new Rules, 2023 came into force only on 13.01.2023. Therefore, even before the notification of the new Rules, the promotion has been effected and the proposal has been forwarded to the second respondent herein. Therefore, the authorities could not rely upon the new Rules, which came into force on 13.01.2023. As per the old Rule of the year 1974, the qualification for being appointed as Head Master of Higher Secondary School is a Master's Degree of a University with B.Ed qualification and teaching experience of ten years as B.T Assistant. Therefore, according to



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the learned Counsel appearing for the writ petitioner, the concerned Teacher is qualified to be appointed as Head Master of the Higher Secondary School.

4. Per contra, the learned Government Advocate appearing for the respondents had contended that the rules that are prevailing on the date when the proposal is considered will govern the conditions of service and therefore as per the new Rule, 2023, B.T Assistant post is not a feeder category for being appointed as Head Master of Higher Secondary School. Hence, he prayed for sustaining the order passed by the second respondent.

5. I have carefully considered the submissions made on either side and perused the materials available on record.

6. Tamil Nadu Private Schools (Regulation) Act, 2018 came into force on 16.08.2019. Tamil Nadu Private Schools (Regulation) Rules, 2023 were notified on 13.01.2023. In the present case, the concerned candidate has been promoted as Head Master of Higher Secondary School on 07.05.2022 itself much before the date on which the new Rules came to be notified. Therefore, the second respondent was not right in relying upon the new Rules of the year



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2023 to reject the proposal submitted by the Management on 01.07.2022. The order of promotion passed by the petitioner Management on 07.05.2022 has to be considered only in the light of the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973 read with the connected rules of the year 1974.

7. In view of the above said deliberations, the order impugned in the writ petition is set aside and the matter is remitted back to the file of the second respondent herein to consider the proposal of the Management, dated 01.07.2022 in the light of the judgment of this Court in W.P(MD)No.19022 of 2015, dated 02.11.2016 and pass orders on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

8. With the above said observation, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

08.11.2023



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

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R.VIJAYAKUMAR, J.

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