



W.P.(MD).No.28018 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.28018 of 2023

and

W.M.P(MD) Nos. 24128 and 24129 of 2023

S.Ganeshkumar

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
St. George Fort,
Chennai – 600 009.
2. The Director of School Education,
College Road,
Chennai – 600 006.
3. The Chief Educational Officer,
Theni.
4. The District Educational Officer (Secondary),
Allinagaram,
Theni – 623 531.
5. The Secretary,
Nadar Saraswathi Higher Secondary School,
Theni – 626 531.

... Respondents



W.P.(MD).No.28018 of 2023

WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire records connected with the impugned order passed by the fourth respondent in Na.Ka.No.3228/A4/2023, dated 04.08.2023 and quash the same and directing the third respondent to approve the promotion given to the petitioner as Physical Education Director in the 5th respondent School as per the proposal submitted by the fifth respondent.

For Petitioner : Mr.K.K.Kannan
For Respondents : Mr.N.GA.Natraj
Government Advocate
for R1 to R4

ORDER

The present writ petition has been filed by a Physical Education Teacher challenging the order passed by the fourth respondent herein, wherein, his promotion order was not approved.

2. According to the learned counsel appearing for the writ petitioner, the writ petitioner was working as a Physical Education Teacher in the fifth respondent school, which is a Aided Non-Minority School. The School



W.P.(MD).No.28018 of 2023

WEB COPY

Management had promoted him to the post of Physical Education Director – Grade I, by an order, dated 12.06.2023 and the said proposal was forwarded to the fourth respondent herein for his approval.

3. Under the impugned order, dated 04.08.2023, the fourth respondent herein has rejected the proposal on the ground that the petitioner has passed only M.P.Ed Course from Alagappa University and not B.P.Ed Course as per the Tamil Nadu Private Schools Regulations Rules, 2023.

4. The learned counsel appearing for the petitioner had relied upon G.O.(Ms) No.232, Higher Education (K2) Department, dated 18.11.2016 and contended that M.P.Ed Programme awarded by Alagappa University in Physical Education is equivalent to B.P.Ed. Hence, he contended that the order impugned in the writ petition is not legally sustainable.

5. I have perused the impugned order and the G.O.(Ms) No.232, dated 18.11.2016.



W.P.(MD).No.28018 of 2023

WEB COPY

6. A perusal of the said Government Order reveals that two year Integrated M.P.Ed programme awarded by the Alagappa University College of Physical Education is equivalent to B.P.Ed.

7. In view of the above said facts, the order impugned in the writ petition is set aside and the matter is remitted back to the file of the fourth respondent to reconsider the said issue in the light of the G.O.(Ms) No.232, dated 18.11.2016 and pass fresh orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

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

28.11.2023

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



WEB COPY



W.P.(MD).No.28018 of 2023

To

1. The Secretary,
Department of School Education,
St. George Fort,
Chennai – 600 009.
2. The Director of School Education,
College Road,
Chennai – 600 006.
3. The Chief Educational Officer,
Theni.
4. The District Educational Officer (Secondary),
Allinagaram,
Theni – 623 531.



WEB COPY



W.P.(MD).No.28018 of 2023

R.VIJAYAKUMAR,J.

ebsi

W.P(MD)No.28018 of 2023

28.11.2023