



W.P. No. 8222 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2024

CORAM

THE HON'BLE MR. JUSTICE D.BHARATHA CHAKARAVARTHY

W.P. No. 8222 of 2024

and

W.M.P. No. 9178 of 2024

R.Kannan

... Petitioner

-VS-

1. The State rep. By the Secretary
Government of Tamil Nadu
Tamil Nadu Private Schools
Chennai.
2. The Chief Educational Officer
Salem.
3. The District Educational Officer (Secondary)
Salem.
4. The Secretary
Gokulanathan Hindu Mahajana
Higher Secondary School
Salem.
5. The Committee President
Gokulanatha Hindu Mahajana Higher
Secondary School
Brets Road, Salem – 636001.
6. The Headmaster
Mr. V.Najaiah
Gokulanatha Hindu Mahajana Higher
Secondary School
Salem.

... Respondents



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Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, to call for the records relating to Na.Ka. No. 12494/A2/2023 dated 13.12.2023, passed by the third respondent and to quash the same and to pass further orders as this Court may deem fit and proper.

For Petitioner : Mr. M.Vivekanandan

For Respondents : Mr. C.Jaya Prakash, GA (R1)

Mrs. S.Mythreye Chandru, SGP (RR2 & 3)

ORDER

The writ petition is filed challenging the impugned order dated 13.12.2023, in and by which the petitioner's representation was disposed of by a detailed order by the third respondent herein.

2. It is the case of the petitioner that the petitioner was the senior most teacher in the aided school viz., Gokulanatha Hindu Mahajana Higher Secondary School. However, an unapproved school committee, by applying pressure tactics and sheer force, extracted a letter of relinquishment of promotion of the petitioner and the sixth respondent herein, viz., V.Nanjaiah was promoted as Head-Master. Under that circumstances, the petitioner earlier



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filed W.P. No. 11998 of 2020 with a prayer to promote him to the post of Head-Master in the said school.

3. This Court after considering the case of the parties, directed the respondents to consider the representation and pass orders on its own merits within a period of 4 weeks therefrom.

4. In compliance thereof, the present impugned order is passed. In the impugned order, the respondents have given a finding that the school committee is an approved school committee. Secondly, it is stated that the petitioner also accepted the relinquishment before the departmental officials, and that fact is also recorded. Thirdly, the resolution and other correspondence contains the signature of the petitioner, that fact is also recorded.

5. Mr.M.Vivekanandan, learned counsel appearing on behalf of the petitioner would assail the order by saying that the said school committee had subsequently been approved and only factors that were directed by this Court in the earlier round of writ petition, was to consider whether actually the petitioner is senior or not and whether the school committee was an approved committee or not. Without even properly considering the same, this impugned order is



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passed and therefore, it is liable to be set aside and the petitioner is entitled to be promoted as Head-Master.

6. I have considered the said submissions and also perused the materials placed on record.

7. It can be seen that by over-looking the petitioner, one Nanjaiah has been promoted as Head-Master. The promotion order was not at all challenged by the petitioner even in the earlier round of writ petition.

8. Considering the circumstances that the petitioner alleged that the relinquishment was extracted from him by force that too by an incompetent authority, this Court directed the representation to be considered. Now the representation has been considered, after due enquiry a detailed order is passed. The respondents have found that the committee is a valid committee. Secondly when the relinquishment was brought to the notice of the authority, it was mentioned that once again in the presence of the authority, the petitioner has reiterated that he has relinquished promotion.



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9. In that view of the matter, the contention of the petitioner that the relinquishment was extracted by force from him cannot be countenanced. Even in this writ petition, no specific allegations against any individual who has forced him for relinquishment and no individual has not been made as a party to the writ petition.

10. In view thereof, I feel no infirmity whatsoever in the impugned order disposing of the representation of the petitioner. The petitioner has relinquished the promotion and as such, he has to suffer to the consequences. Thereafter by change of mind he cannot assail the promotion. In view thereof, no merits in the writ petition. The writ petition is dismissed. Consequently, W.M.P. No. 9178 of 2024 is closed. No costs.

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Index: Yes/No

Neutral Citation : Yes/No

Speaking order / Non-speaking order

Maya

To

1. The Secretary Government of Tamil Nadu
Tamil Nadu Private Schools
Chennai.

2. The Chief Educational Officer
Salem.



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3. The District Educational Officer (Secondary)
Salem.

4. The Secretary
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D.BHARATHA CHAKARAVARTHY, J.

Maya

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