



W.P.(MD)No.13097 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.13097 of 2023
and WMP(MD)Nos.11090, 14984 & 18985 of 2023

L.Mariappan

.. Petitioner

Vs.

1. The Commissioner of School Education,
College Road,
Chennai-600 006.

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

3. The District Educational Officer (Elementary),
Tirunelveli-I,
Tirunelveli District.

4. The Block Educational Officer,
Cheranmahadevi, Tirunelveli District.

5. The Correspondent,
CMS Evangelical Schools,
Idayankulam and Kandithankulam Pastorates
at Karisalpatti,
Karisal-627 414,
Tirunelveli District.

.. 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 respondents to approve the appointment of petitioner as Headmaster in CMS Evangelical primary School, Pattankadu, Tirunelveli District, w.e.f. 04.02.2022 and disburse grant-in-aid towards his salary and other monetary benefits.

For Petitioner : Mr.S.Xavier Rajini

For Respondents : Mr.R.Baskaran
Additional Advocate General

assisted by Mr.M.Siddharthan
Additional Government Pleader
for R1 to R4

ORDER

The present writ petition has been filed seeking a Writ of Mandamus, directing the respondents to approve the appointment of petitioner as Headmaster in CMS Evangelical Primary School, Pattankadu, Tirunelveli District, with effect from 04.02.2022 and disburse grant-in-aid towards his salary and other monetary benefits.



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2. Heard Mr.S.Xavier Rajini, learned counsel appearing for the petitioner and Mr.R.Baskaran, learned Additional Advocate General assisted by Mr.M.Siddharthan, learned Additional Government Pleader appearing for the respondents 1 to 4.

3. The petitioner has filed this writ petition to consider his representation to approve his appointment as Headmaster in the 5th respondent school, right from the date of appointment, ie., on 04.02.2022. But the same is pending. Hence, this petition.

4. However, the learned Additional Advocate General for the respondents 1 to 4 submitted that Rule 15(4) of the Tamilnadu Recognised Private Schools (Regulation) Act, 1974, has not been considered by the school management and the petitioner has been appointed in violation of the above said rules. The petitioner has been appointed as Headmaster on 04.02.2002. But however, the learned Additional Advocate General submitted that the school was in the Direct payment from 2013 in view of the dispute among the members of the



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management committee. However, the learned Additional Advocate General submitted that the correspondent who was holding the said post between the period from 16.11.2019 to 15.11.2022 has been held to be an approved correspondent by virtue of the order issued to that effect on 14.11.2022. However, from 16.11.2022 onwards the school comes under the direct payment and hence there cannot be any appointment subsequent to that order. The argument of the petitioner is that he was appointed on 04.02.2022 and the Correspondent had the approval by virtue of the order dated 14.11.2022. The approval has been given only on 14.11.2022, hence, the appointment given to the petitioner on 04.02.2022, which is earlier to 14.11.2022, cannot be considered as an appointment made by the an approved Correspondent.

5. The further submission is that when there is already a senior teacher available to be promoted to the post of Headmaster, there is no necessity to resort to any direct recruitment by violating the rules. However, the petitioner school is a minority institution and hence Rule 15(4) (ii) of the Tamilnadu Recognised Private Schools (Regulation)



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Act, 1974, is not applicable. Reliance was placed on the judgment in WA.No.1143 of 2012 wherein it has been categorically held by stating the earlier Division Bench order passed in *Eka Ratchagar Sabai Higher Secondary School v. Sumathi and others* (2008 (1) MLJ 322) held that the said Rule was not applicable to the minority institutions. So there cannot be any question of violation of the Rule 15(4) of Tamilnadu Recognised Private Schools (Regulation) Act, 1974. Since the petitioner has been appointed by the Correspondent who has been approved atleast on 14.11.2022, the respondent can reconsider the proposal by reappraising the position in the light of the pending litigation between the parties disputing for management and an arrangement made in the meanwhile to approve the Correspondent who had appointed the petitioner as Headmaster.

6. In view of the above observations, this Writ Petition is **disposed of** and the third respondent is directed to reconsider the proposal sent by the 5th respondent School and also the representation of the petitioner dated 27.04.2023 and pass orders for approving the appointment of the



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petitioner within a period of four weeks from the date of receipt of a copy of this order. No Costs. Consequently, connected miscellaneous petitions are closed.

19.06.2024

NCC :yes/no
Index :yes/no
Internet: yes/no
PJJ

To

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Tirunelveli District at Tirunelveli.

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R.N.MANJULA, J.

PJL

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and WMP(MD)Nos.14026, 14027
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