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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.19010 of 2024

and

W.M.P(MD)Nos.16084 & 16085 of 2024

Little Flower School,
Rep. by its Correspondent,
Kumbakonam,
Thanjavur District – 612 001.

... Petitioner

Vs

1.The State of Tamil Nadu,
Through its Secretary to Government,
School Education Department,
Fort St. George, Chennai.

2.The Director of School Education,
DPI Campus, College Road,
Chennai.

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

4.The District Educational Officer,
Kumbakonam, Thanjavur District.

...Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings of the 2nd respondent dated 27.05.2024 in Na.Ka.No. 033259/D1.E4/2020 and quash the same and consequently direct the respondents to sanction and release grant in aid for the post of Librarian to the petition school in the appropriate scale by considering the proposal of the petitioner dated 16.09.2019 and pass such further or other orders as this Court.

For Petitioner : Mr.V.R.Shanmuganathan

For Respondents : Mr.J.Ashok
Additional Government Pleader

* * * * *

ORDER

The instant writ petition has been filed by an aided minority institution seeking to quash the order passed by the second respondent herein on 27.05.2024 wherein the request of the Management to convert the post of Craft Instructor into that of Librarian has been rejected on the ground that there is no provision for the same.

2.Earlier, the fourth respondent herein had passed an order in December 2019 wherein a similar request made by the School Management was rejected. The said order challenged by the petitioner's Management in W.P.(MD)No.11084 of 2020 and the same was allowed setting aside the order passed by the third respondent herein. In paragraph No.5 of the said order, the



writ Court was pleased to observe as follows:-

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“5.Considering the special facts and circumstances in this case, the matter is remitted not to the file of the third respondent but to the file of the first respondent. The first respondent may take note of the special facts and circumstances obtaining in this case. The first respondent may also seek guidance from the Government. After comprehensive appreciation of the factual situation, the first respondent shall pass an order on the petitioner's request. Since I am calling upon the first respondent to pass an order and that too after getting guidance from the Government, I am not imposing any outer time limit. I am passing such an order only by taking into account the fact that the petitioner school is having more than eleven thousand books and that the institution is almost century old. The order impugned in the writ petition is set aside. The writ petition is disposed of accordingly. No costs.”

3.Based upon the above said observations, the Director of School Education was directed to pass orders. A perusal of the impugned order does not reveal whether the Director of School Education has sought the guidelines of the Government or not. The second respondent has simply repeated the order passed by the third respondent herein which was already set aside by this Court citing that there is no provision for converting the post of Craft Instructor into that of Librarian. This order is put to challenge in the present writ petition.



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4. According to the learned Counsel appearing for the writ petitioner, the School is more than 100 years old and there are more than 11,000 books and therefore, the post of Librarian has to be sanctioned, in case, if the post of Craft Instructor could not be converted. The Management wants the post of Secondary Grade Teacher to be converted into the post of Librarian. A vacancy is also available in the cadre of Secondary Grade teacher post. Seeking the said relief, the Management has sent a proposal on 27.08.2024 seeking to convert a post of a Secondary Grade Teacher to that of Librarian.

5. After coming to know of the fact that Librarian is not a sanctioned post, the Management has sent a revised proposal on 20.09.2024 seeking to convert the post of Secondary Grade Teacher to that of Library Clerk. This proposal submitted by the Management is pending with the third respondent herein. However, a decision has to be taken only by the Respondents 1 and 2 herein. There is no dispute that the post of Library Clerk is a sanctioned post in the petitioner's school. The conversion of Secondary Grade Teacher post to that of Library Assistant can be considered only by the first respondent herein after seeking opinion of the second respondent herein.



6. In view of the above said facts, this Court is inclined to pass the following orders:-

a) the order impugned in the writ petition passed by the second respondent is hereby set aside;

b) the third respondent is directed to forward the proposal submitted by the Management on 20.09.2024 to the second respondent for taking appropriate decision in the light of the observations made by this Court in Paragraph No.5 in W.P.(MD)No.11084 of 2020, dated 16.06.2023;

c) the second respondent along with his opinion shall forward the same to the first respondent within a period of twelve weeks thereafter; and

d) the first respondent is directed to consider the proposal submitted by the second respondent on merits and in accordance with law and pass orders as expeditiously as possible.

7. With the above said observations, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

23.10.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



To

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- 1.The Secretary to Government,
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Fort St. George, Chennai.
- 2.The Director of School Education,
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- 3.The Chief Educational Officer,
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R.VIJAYAKUMAR, J.

RJR

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