



W.P.(MD)No.22232 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.22232 of 2022 &
W.M.P.(MD)No.16412 & 16413 of 2022

P.Murugesan

... Petitioner

vs.

1.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.

2.The District Educational Officer,
Valliyoor,
Government Higher Secondary School Compound,
Valliyoor.

3.The Secretary,
Sri Ramakrishna Higher Secondary School,
Thisayanvilai,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the first respondent in Na.Ka.No. 3273/A3/2021 dated 16.09.2022 and quash the same and consequently



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direct the first respondent to approve the appointment of the petitioner to the post of Headmaster of third respondent School, with effect from 24.03.2021.

For Petitioner : Mr.R.Murali

For Respondents : Mr.M.Siddharthan,
Additional Government Pleader
for R1 and R2

Mr.T.Antony Arulraj for R3

ORDER

Heard Mr.R.Murali, learned counsel appearing for the petitioner, Mr.M.Siddharthan, learned Additional Government Pleader appearing for the respondents 1 and 2 and Mr.T.Antony Arulraj, learned counsel appearing for the third respondent.

2. The petitioner has filed this writ petition seeking to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the first respondent in Na.Ka.No.3273/A3/2021 dated 16.09.2022, quash the same and consequently direct the first respondent



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to approve his appointment to the post of Headmaster in the third respondent School *w.e.f.* 24.03.2021.

3.1. The petitioner has been working as a B.T.Assistant in the third respondent School from the year 1993 onwards and is holding the post of Headmaster in the third respondent School from the year 2021 onwards.

3.2. In the year 2016, when the Headmaster post became vacant in the third respondent School, one Thingalarasi was appointed as a Headmistress. Even though the petitioner was the senior most B.T.Assistant during that relevant point of time, he relinquished the promotion. Hence, the respondents have given approval to the promotion of Thingalarasi to the post of Headmistress. However, this petitioner has filed a writ petition in W.P.(MD)No.10181 of 2017 before this Court challenging the approval of promotion granted to Thingalarasi to the post of Headmistress. The said writ petition was disposed of on 11.03.2021 by this Court with a direction to the first respondent therein to re-consider



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the issue in view of the submission made by the petitioner that his letter of relinquishing promotion dated 18.08.2016 was obtained through coercion and compulsion. Consequent to the direction passed in the writ petition in the above writ petition, no enquiry has been conducted and no fresh orders have been passed. Hence the petitioner has once again filed a writ petition in W.P.(MD)No.19507 of 2021, wherein, by order dated 29.01.2021, this Court directed the second respondent therein to pass final orders in the enquiry proceedings initiated in respect of re-appraising the approval granted for the promotion of Thingalarasi.

3.3. Meanwhile, Thingalarasi has given voluntary retirement during January 2021 and she was relived on 05.03.2021. The petitioner has been promoted to the post of Headmaster on 24.03.2021 and the proposal for approving the same is pending. Subsequently, the first respondent vide order dated 23.02.2022 had raised certain clarifications with regard to the promotion granted to Thingalarasi to the post of Headmistress. In pursuance thereof, the second respondent has forwarded a proposal to the first respondent in Na.Ka.No.1157/A2/2021 dated



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21.04.2022 to set aside the promotion granted to Thingalarasi to the post of Headmistress. Even by virtue of the above proceedings, the approval granted to the promotion of Thingalarasi to the post of Headmistress was not set aside. Therefore, the petitioner filed a writ petition in W.P. (MD)No.12747 of 2022, wherein, this Court vide order dated 22.06.2022 has directed the first respondent therein to dispose of the proposal of the second respondent dated 21.04.2022. Since the said order was not complied, the petitioner has filed a Contempt Petition in Cont.P.(MD)No. 1315 of 2022 and the same is pending. The first respondent had again returned the papers for approving the promotion of the petitioner to the post of Headmaster *w.e.f.* 24.03.2021 stating that the writ petition filed by Thingalarasi for her terminal benefits is pending. Hence, the petitioner has come up with this writ petition.

4. In the impugned order, it has been stated that the School Committee has to arrive at an understanding in respect of the promotion and voluntary retirement of Thingalarasi and only thereafter, the proposal for approval of promotion of the petitioner to the post of Headmaster can



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be considered.

5. This is a classic example to show how the person in the state of affairs can confuse the situation and make it more confounded. So far as the petitioner is concerned, at the first instance, he raised objection to the approval granted to the promotion of Thingalarasi to the post of Headmistress by stating that he did not give his relinquishment for promotion voluntarily. For the reasons best known to Thingalarasi, she had herself offered voluntary retirement and she was also allowed to go on retirement on 05.03.2021.

6. The best thing that could have been done consequent to her retirement is to dispose the earlier enquiry proceedings initiated pursuant to the filing of various writ petitions by the petitioner, by challenging the approval granted for promoting Thingalarasi.

7. It is learnt from the submission now made by the learned Additional Government Pleader appearing for the respondents 1 and 2



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that the enquiry has been completed by giving a finding that the promotion and appointment given to Thingalarasi is proper and legal and there is no foul play.

8. In this writ petition, the petitioner has very much confined his relief in respect of granting approval to his promotion to the post of Headmaster *w.e.f.* 24.03.2021, which is very much later than the relieving date of Thingalarasi *i.e.*, 05.03.2021. By the present conduct of the petitioner, it can be presumed that he is complacent if approval for his promotion to the post of Headmaster is granted *w.e.f.* 24.03.2021.

9. So long as, the order approving the promotion of Thingalarasi to the post of Headmistress is not set aside, the retiral benefits entitled to Thingalarasi would be only in terms of the last post held by her. So, the School Committee or the District Education Officer ought to have sent the retirement proposal of Thingalarasi by stating that her retirement was as a Headmistress. The authorities concerned have shown that Thingalarasi was a B.T. Assistant at the time of her retirement,



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which is quite contrary to the records. The petitioner is aggrieved due to the fact that his subsequent promotion to the post of Headmaster in the year 2021 is also pending without approval.

10. Due to the above confusion caused, Thingalarasi was also compelled to file a writ petition in W.P.(MD)No.1360 of 2021 seeking her terminal benefits to be settled to her in terms of the last held post of Headmistress. It is reiterated that, in this writ petition, the petitioner has sought approval to be granted only from the date 24.03.2021, from which date he has been promoted to the post of Headmaster and there cannot be any difficulty for the respondents to grant approval to the petitioner's promotion to the post of Headmaster with effect from 24.03.2021.

11. In view of the above stated reasons, the writ petition is **disposed of** and the first respondent is directed to pass orders granting approval to the proposal in respect of petitioner getting promoted to the post of Headmaster *w.e.f.* 24.03.2021 and put a full stop for all the confusion within a period of four weeks from the date of receipt of a copy



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of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

18.06.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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To

- 1.The Chief Educational Officer,
Tirunelveli District, Tirunelveli.
- 2.The District Educational Officer,
Valliyoar,
Government Higher Secondary School Compound,
Valliyoar.



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R.N.MANJULA, J.

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