



W.P.(MD).No.24439 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.24439 of 2024

and

W.M.P(MD) Nos.20766 and 20767 of 2024

R.Felcy Rani Latha
Headmistress,
CMS Evangelical Suvi David Memorial
Higher Secondary School,
Karisal- 627 414, Tirunelveli District.

... Petitioner

Vs.

1. The Commissioner of School Education,
College Road,
Chennai – 600 006.
2. The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.
3. The District Educational Officer
(Secondary)
Tirunelveli, Tirunelveli District.
4. The Correspondent,
CMS Evangelical Suvi David Memorial
Higher Secondary School,
Karisal- 627 414,
Tirunelveli District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the third respondent District Educational Officer (Secondary), Tirunelveli in O.Mu.No.4360/A2/2023, dated 12.02.2024, quash the same, and further direct the respondents to approve the appointment of petitioner as Headmistress w.e.f 21.08.2020 in the fourth respondent School, namely, CMS Evangelical Suvi David Memorial Higher Secondary School, Karisal, Tirunelveli District and disburse grant -in-aid towards her salary and other monetary benefits.

For Petitioner : Mr.S.Xavier Rajini

For R1 to R3 : Mr.J.Ashok
Additional Government Pleader

ORDER

The present Writ Petition has been filed by the Headmistress of the fourth respondent School, challenging the order passed by the third respondent herein, wherein the request of the Management to approve the promotion of the writ petitioner has been rejected on the ground that the School has not followed Rule 15(4) of the Tamil Nadu Recognized Private Schools (Regulation) Rules.



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2. According to the learned counsel appearing for the writ petitioner, the fourth respondent School being a minority institution is exempted from following the said Rules. Hence, he prayed for setting aside the order.

3. Per contra, the learned Additional Government Pleader appearing for the respondents 1 to 3 had contended that unless the School follows the Rule 15(4) of the Tamil Nadu Recognized Private Schools (Regulation) Rules, 1974, the question of approving the promotion of the writ petitioner does not arise. Hence, he prayed for sustaining the order impugned in the writ petition.

4. I have carefully considered the submission made on either side and perused the materials available on record.

5. The Hon'ble Division Bench of our High Court in paragraph No.15 of the judgment reported in **2007 (4) LW 617 (Eka Ratchagar Sabai Higher Secondary School and another Vs. K.Sumathi and another)** has held that Rule 15(4) of the Tamil Nadu Recognized Private Schools (Regulation) Rules, 1974 is not applicable to minority institutions. Therefore, the order impugned in the writ petition is set aside and the third respondent is directed



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to forward the proposal to the second respondent within a period of four weeks from the date of receipt of a copy of this order. On receipt of the same, the second respondent, who in turn is directed to approve the promotion order of the writ petitioner within a period of eight weeks thereafter.

6. With the above said observations, the Writ Petition stands allowed.

There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

28.10.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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