



WEB COPY



W.P.No.829 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2025

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.829 of 2024

Jothivallalar Middle School,
Represented by its Manager cum Correspondent,
Thiru.K.S.Arumugam,
No.1, Vallalar Street,
Jothi Nagar,
Arakkonam-631 003.
Ranipet District.

... Petitioner

Vs

1.The District Educational Officer (Elementary),
Elementary Education,
Ranipet.

2.The Block Educational Officer-2,
The Block Educational Office,
Arakkonam,
Ranipet District.

3.T.Sundaramoorthy

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent made in O.Mu.No.2546/A4/2023 dated Nil.10.2023 and quash the same, consequently direct the 1st respondent to approve the petitioner's proposal dated 14.09.2023 submitted to the 1st respondent.



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For Petitioner : M/s.G.Jeremiah
For Respondents : Mr.s.Prabhakaran,
Government Advocate for RR-1 & 2
: Mr.A.Sasikumar for R-3

ORDER

Assailing the order passed by the 1st respondent rejecting the proposal submitted by the Petitioner seeking approval of the resolution passed by them accepting the resignation of the 3rd respondent from the post of Head Master in the petitioner school, the present Writ Petition has been filed.

2. The petitioner herein is an Aided Middle School established in the year 1962 consisting of 211 students from standards I to VIII and eight teaching staffs out of which, there are three Graduate Teachers including the Headmaster and four Secondary Grade Teacher besides one craft Teacher. It is the case of the petitioner that its resolution seeking approval of the resignation of the 3rd respondent, who had been serving as a Headmaster since 01.10.2015 was rejected by the 1st respondent through the order impugned in the present Writ Petition on the ground that there is no sanctioned post available for a Science Graduate Teacher and therefore, demotion of the 3rd respondent from the post of Headmaster to the post of Science Graduate Teacher is not permissible. Aggrieved by which, the present Writ Petition has been filed.



3. Learned counsel appearing for the petitioner submitted that the impugned order passed by the 1st respondent is wholly arbitrary and suffers from non-application of the mind as the 1st respondent failed to appreciate the fact that, the proposal was only an interchange between the graduate teachers in the petitioner school. He further submitted that, no useful purpose would be served in compelling the 3rd respondent to continue in the post of Headmaster as he had voluntarily resigned from the post of Headmaster for his own personal reasons having expressed his inability to continue in the said post. Accordingly, he prayed for allowing the Writ Petition.

4. Per Contra, learned Government Advocate appearing for respondents 1 & 2 while defending the impugned order submitted that, the claim of the petitioner to downgrade the 3rd respondent from the post of Headmaster to that of Science Graduate Teacher is not sustainable as there is no such sanctioned post and the only available post is that of English Graduate Teacher. It is further submitted that, if there is any availability of Science Graduate Teacher post in the petitioner school, the proposal for approval would be considered. In the absence of any such post, granting demotion to the 3rd respondent would be contrary to the provisions of Section 15(1) of the Tamil Nadu Recognised Private Schools (Regulation) Rules, 1974. If the petitioner has any grievance, the petitioner ought to have submitted proposal for conversion of the existing graduate teacher post



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into that of Science as the only graduate post presently available is English.

Accordingly, he prayed for dismissal of the Writ Petition.

5. On the above contentions, this Court heard the learned counsel appearing for the 3rd respondent who reiterated the averments made in the counter affidavit and submitted that, it is the 3rd respondent who had voluntarily retired from the post of Headmaster due to some personal reasons and that since, the date of resignation, till date, he is continuing to serve as Science Graduate Teacher.

6. Heard the learned counsel appearing on either side and perused the materials available on record.

7. It is the specific case of the petitioner that the 3rd respondent who had been serving as Headmaster in the Petitioner School for the past eight years since the date of promotion i.e., 01.10.2015 submitted his resignation and on the basis of which, he was demoted to the post of Science Graduate Teacher which, according to the respondents is impermissible as there is no such post available in the petitioner school so to satisfy the provisions contemplated under Section 15(1) of the Tamil Nadu Recognised Private Schools (Regulation) Rules, 1974. For better appreciation, Section 15(1) of the Act is extracted hereunder:-



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Section 15(1). *Qualifications, conditions of service of teachers and other persons:-*

(1) The number of teachers and other persons employed in a private school shall not exceed the number of posts sanctioned by the Director of School Education, from time to time, with reference to the academic requirements, teacher-pupil ratio and overall financial considerations”

8. A perusal of Section 15(1) of the Act, makes it clear that a private school is entitled to appoint teachers and staff only to the extent of posts officially sanctioned. However, in the present case, the 3rd respondent has been sought to be demoted to the post of Science Graduate Teacher despite the non-availability of such sanctioned post in the petitioner school. Such demotion being contrary to the provisions of Section 15(1) of the act, approval for the same cannot be granted. Therefore, this Court finds no infirmity in the order passed by the 1st respondent and holds that the 1st respondent has rightly rejected the claim of the petitioner.

9. For the reasons aforesaid, the Writ Petition is dismissed. There shall be no orders as to costs.

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Index : Yes / No

Speaking Order / Non-speaking order

Neutral Citation Case : Yes / No

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M.DHANDAPANI, J

Nhs

To

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