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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2025

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.2493 of 2024
and
W.M.P.No.2725 of 2024

L.Kavitha

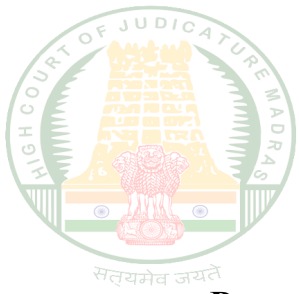
.. Petitioner

Vs.

- 1.The Director of School Education,
College Road, Nungambakkam,
Chennai – 600 006.
- 2.The Chief Educational officer,
Office of the CEO,
Tirupattur – 635 601.
- 3.The District Educational Officer (Secondary),
District Education Office,
Tirupattur – 635 601.
- 4.The Secretary,
Hindu Higher Secondary School,
Karumbur – 635 811.

5.A.R.Rajkumar

.. Respondents



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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 communication of the 4th respondent in Na.Ka.No.006/2024 dated 12.01.2024, quash the same and consequently direct the 2nd respondent to grant approval to the petitioner as Post Graduate Assistant (Commerce) in the 4th respondent school.

For Petitioner	.. Mr.Niranjan Rajagopalan
For R1 to R3	.. Mr.S.Mythraye Chandru, Special Government Pleader.
For R4	.. Mr.S.Kamadevan
For R5	.. Mr.S.Nedunchezhiyan

ORDER

This Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to a communication of the 4th respondent school in Na.Ka.No.006.2024 dated 12.01.2024 and to quash the same. The petitioner seeks a direction against the 2nd respondent / the Chief Educational Officer, Tirupattur, to grant approval to the petitioner as Prost Graduate Assistant (Commerce) in the 4th respondent school.



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2. The petitioner and the 5th respondent are both teachers in the 4th respondent school. The post of PG Assistant (Commerce) had fallen vacant in the 4th respondent school. An obligation had been placed on the 4th respondent to put up a proposal nominating any teacher to be considered for approval by the 2nd respondent to the said post. By a communication dated 05.07.2023, the 4th respondent had intimated the 2nd respondent that the petitioner herein could be considered for the said post. That particular communication drew the ire of the 5th respondent who filed W.P.No.27853 of 2023 before this Court. Unfortunately, the petitioner herein was not impleaded as a party to the writ petition. The said writ petition came to be ordered on 25.09.2023 and a direction was issued that the 2nd respondent, Chief Educational Officer, should verify whether the merit and ability had been followed in accordance with Rule 28(2)(a)(ii) of the Tamil Nadu Private Schools (Regulation) Rules, 2023. The said rule provides for an examination of the relative merit and ability of two equally placed teachers by the school authorities. While examining such merit and ability the school authority will have to consider the educational qualification, experience, any



other extra qualification, which the teachers had obtained and also conduct an oral test and then come to a conclusion as to whom they would propose for approval for the post, in this case PG Assistant (Commerce Teacher). The learned Single Judge was of the opinion that such exercise had not been undertaken by the 4th respondent school. Thereafter, the 4th respondent had issued the impugned proceedings withdrawing the earlier proposal dated 05.07.2023. This has led the petitioner to come before this Court by filing this present writ petition.

3.The learned counsel for the 4th respondent justified the communication issued by them stating that the earlier communication proposing the name of the petitioner was done without assessing the relative merit and ability of the petitioner viz-a-viz the 5th respondent. It was contended that it is imperative that such an exercise is done in accordance with the aforementioned Rule 28(2)(a)(ii) of the Tamil Nadu Private Schools (Regulation) Rules, 2023. It is contended that it is for that purpose the impugned letter had been issued to the 2nd respondent.



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4. The learned counsel for the petitioner, however, raised apprehension that there is a possibility of the 4th respondent extending a favour to the 5th respondent. But let me not give much credence to that apprehension. I am confident that the 4th respondent would act in the interest of the students and not on their whims and fancies.

5. Be that as it may, let the communication dated 05.07.2023 already issued to the 2nd respondent remain as it is with the 2nd respondent. The 4th respondent may issue a fresh communication as corrigendum or an addendum in addition giving the relative merit and ability so far as the educational qualification, experience and other factors are concerned between the petitioner and the 5th respondent, after assessing their respective capabilities by conducting an oral test. The 4th respondent may then forward all these details to the 5th respondent, who may thereafter, following due procedure, take a decision with respect to grant of approval to the proposal forwarded by the 4th respondent.



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6.The 4th respondent is directed to issue a fresh communication giving all the details as stated on before 28.03.2025 to the 2nd respondent and thereafter, within a period of further four weeks, the 2nd respondent may take a decision on the proposal put up by the 4th respondent.

7.With the above observations, this Writ Petition stands disposed of.
No costs. Consequently, connected Writ Miscellaneous Petition is closed.

27.02.2025

smv
Index:Yes/No
Internet:Yes/No



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To

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C.V.KARTHIKEYAN,J.

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