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W.P. No.29918 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE C.SARAVANAN

W.P.No.29918 of 2014

and

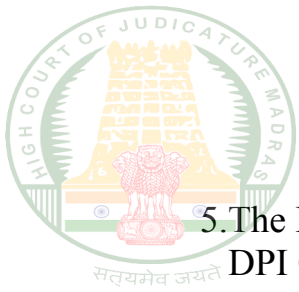
M.P.Nos.1 to 3 of 2014

J.Paranjothi Bagath Singh

... Petitioner

Vs.

- 1.TheSecretary,
R.B.A.N.C. School Higher Secondary School,
No.26, Samy Chetty Street,
Komaleeswaranpet,
Chennai – 600 002.
- 2.The District Educational Officer,
Chennai East,
Jaigopal Garodia GHSS Campus,
Choolaimedu High Road,
Choolaimedu,
Chennai – 600 094.
- 3.The Chief Educational Officer,
Panagal Buildings,
Saidapet,
Chennai – 600 015.
- 4.The Joint Director of School Education (Secondary),
DPI Campus, College Road,
Nungambakkam, Chennai – 600 006.



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5. The Director of School Education,
DPI Campus, College Road,
Nungambakkam,
Chennai – 600 006.

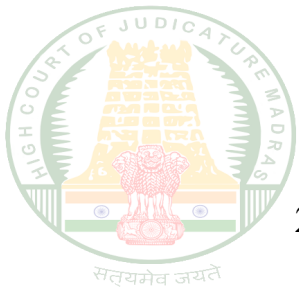
...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of certiorarified Mandamus calling for the records of the 1st respondent connected with the impugned advertisement published in the Tamil daily “Dhinathanthi”, dated 26.10.2014 calling for the applications for the post of Headmaster/Headmistress and quash the same as illegal and further direct the 1st respondent not to initiate any further action pursuant to the advertisement.

For Petitioner	:	Mr.K.RA.Samratt
For R1	:	No appearance.
For R2 to R5	:	Mr.S.Prabhakaran, Government Advocate

ORDER

In this writ petition, the petitioner has challenged the Impugned Advertisement dated 26.10.2014 published in the Tamil Daily “Dhinathanthi” calling for applications for the post of 'Headmaster/Headmistress' in the 1st Respondent School from the persons holding requisite educational qualification for the post of 'Headmaster / Headmistress'.



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2. The learned counsel for the petitioner submits that the petitioner was appointed as a B.T Assistant in the year 2004 in the 1st Respondent School and his services were regularized with effect from 01.06.2006. It is submitted that the petitioner was subsequently appointed as the Head Master incharge of the High School on 01.05.2010, and the appointment was made permanent on 28.10.2010.

3. It is stated pursuant to the appointment of the petitioner as 'Headmaster in charge' at the 1st Respondent School, on e Mrs.Mary James preferred an appeal to the 4th Respondent challenging the said appointment of the petitioner and subsequently filed W.P.No.25014 of 2010 for early disposal of the appeal pending before the 4th Respondent. Due to which, the approval for the appointment of the petitioner as 'Headmaster' was subsequently delayed by the authorities.

4. It is submitted that, pursuant to the direction of this Court, an Adhoc Committee was appointed, and the new management, which took over the administration of the 1st Respondent School, removed the petitioner from the post of 'Headmaster' vide order dated 21.11.2013 and appointed the said



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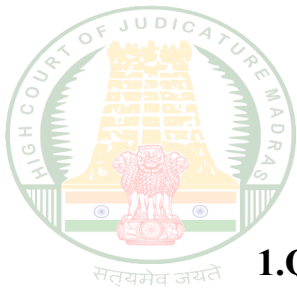
Mrs.Mary James as the 'Headmistress' to the High School of the 1st

Respondent. This is the subject matter of challenge in an earlier writ petition in W.P.No.32092 of 2013 preferred by the petitioner herein.

5. It appears that the petitioner had secured an interim order, which was however vacated, as the learned counsel for the petitioner failed to appear before this Court. Under these circumstances, status-quo was ordered. Meanwhile, the petitioner had also filed a contempt petition in Cont.P.No.1107 of 2014, which was subsequently closed in the light of developments.

6. The learned counsel for the petitioner would submit that the impugned advertisement dated 26.10.2024 issued by the new management in Tamil Daily 'Dhinathanthi' is in clear contravention of Rule 15 of the Tamil Nadu Recognised Private School (Regulation) Rules, 1974 and Serial No.1 to Annexure -V of the aforesaid Rules. As per the Annexure-V to Rule 15 of the 1974 Rules, the qualification for appointment of Headmaster (High Schools) is prescribed as under:

ANNEXURE – V



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1.QUALIFICATIONS FOR APPOINTMENT AS TEACHERS IN PRIVATE SCHOOLS (REGULATIONS)

Name of the post.	Qualifications
(1)	(2)
1.Headmaster (High Schools).	(1) B.A. or B.S.c., or its equivalent and B.Ed or B.T. or L.T and Trained Teachers Certificate of Collegiate Grade. (2) Should have worked as teacher in recognised Schools for a period of not less than five years after obtaining B.T or its equivalent degree.

7. However, the impugned advertisement has called for applications from the persons holding P.G degree with B.Ed and 10 years of experience as B.T.Assistant, and that the salary will be in accordance with the Government pay scale as applicable to High School 'Headmasters/Headmistress'.

8. There is no representation on behalf of the 1st respondent. Mr.S.Prabhakaran, learned counsel appearing for the respondents 2 to 5 is present. A counter has also been filed by the 4th respondent.



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9. The learned counsel for the respondents submit that, in view of the pendency of the present writ petition and the earlier Writ Petition in W.P.No.32092 of 2013 preferred by the petitioner herein, the respondents have not proceeded further with the recruitment pursuant to the impugned advertisement, and that the post of the 'Headmaster/Headmistress' still remains vacant in the 1st Respondent School.

10. The learned counsel for the petitioner would submit that during the interregnum, the petitioner's junior who was appointed as 'Headmaster in-charge', at the 1st Respondent School was also removed subsequently and the post still remains vacant.

11. There is no material to contradict the above submission of the petitioner.

12. Having considered the above submissions of the learned counsel for the petitioner, the learned counsel appearing for the respondents 2 to 5, Rule 15, and Serial No.1 to Annexure-V of the 1974 Rule, it is evident that the impugned advertisement prescribes qualifications that are contrary to



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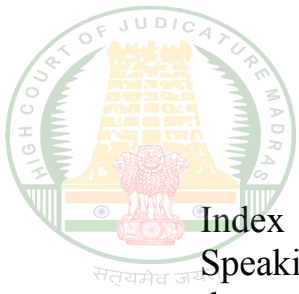
Annexure – V to Rule 15 of the 1974 Rules which prescribes 'Qualifications for Appointment as Teachers in Private Schools'.

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13. Consequently, the impugned advertisement issued by the management of the 1st respondent School is quashed with direction to fill up the post by issuing a fresh advertisement strictly in accordance with Rule 15 r/w Serial No.1 to Annexure V of the Tamil Nadu Recognised Private School (Regulations) Rules, 1974. The above exercise shall be carried out by the 1st Respondent School with approval from the official respondents strictly in accordance with provisions of the Tamil Nadu Recognised Private School (Regulations) Act, 1973 and the Tamil Nadu Recognised Private School (Regulations) Rules, 1974.

14. Accordingly, this writ petition stands allowed with the above directions. The connected miscellaneous petitions, if any, shall stand closed. No costs.

26.02.2025



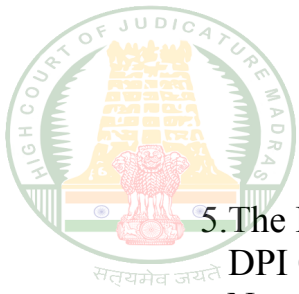
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Index : Yes/No
Speaking Order : Yes/No
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C.SARAVANAN,J.

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