

W.A(MD)No.1171 of 2---

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2025

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CORAM :

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

W.A(MD)No.1171 of 2025

The Secretary,
TUNSV Higher Secondary School, Tiruchuli,
Virudhunagar District.

... Appellant

vs.

1. G.Chitradevi

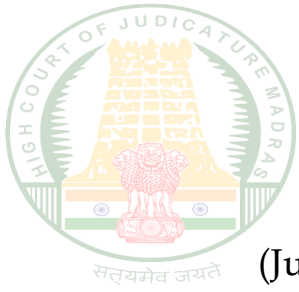
2. The Director of School Education,
Chennai-6.

3.The Chief Educational Officer,
Virudhunagar District.

... Respondents

PRAYER : Writ Appeal filed under Clause 15 of the Letters
Patent, against the order dated 06.06.2024 made in W.P(MD)No.11889 of
2024.

For Appellant	: Mr.P.Santhosh Kumar
For R1	: Mr.V.Panneer Selvam
For R2 & R3	: Mr.J.Ashok
	Additional Government Pleader



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JUDGMENT

(Judgment of the Court was made by **J.NISHA BANU, J.**)

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This writ appeal is filed against the order dated 06.06.2024 made in W.P(MD)No.11889 of 2024.

2. The facts leading to the filing of the writ appeal are as follows:

The 1st respondent/writ petitioner is working as B.T. Assistant in the appellant school. Since the 1st respondent was found to be surplus, by order dated 30.05.2024 of the appellant, she was deployed to SBK Higher Secondary School, Kalloorani, from the appellant school. Challenging the said order, the 1st respondent filed the above writ petition contending that despite there are vacancies in the post of P.G Assistant in the appellant school, without considering her for promotion to the said post, the appellant resorted to deployment. The Writ Court, finding that similarly placed excess B.T Assistant Teachers have already been considered and promoted in the existing P.G Assistant posts, disposed of the writ petition with a direction to the appellant to consider the 1st respondent for promotion in the existing vacancies and pass



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orders within a period of two months. Against the said order, the appellant school has filed this appeal.

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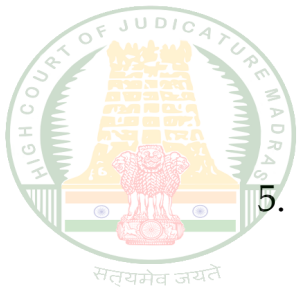
3. Assailing the impugned order, learned counsel for the appellant would contend that earlier when the 1st respondent was deployed by order dated 28.04.2017, she challenged the said order by filing W.P(MD)No.9585 of 2017. Though initially an order of interim stay was granted, later the said writ petition was dismissed in the year 2022 and the 1st respondent had not filed any appeal against the said order. Pursuant to the said order, when the appellant again passed a deployment order dated 12.06.2023, the 1st respondent challenged the same in W.P(MD)No.14447 of 2023 suppressing the dismissal of her earlier writ petition. When the appellant filed counter in the second writ petition, the 1st respondent withdrew the said writ petition and accordingly it was dismissed as withdrawn on 28.08.2023. Again, by the present impugned order, the 1st respondent successfully stalled the deployment order passed by the appellant on the third time. Even pursuant to the impugned order, when the appellant called the 1st respondent to appear for written examination and interview for promotion, she again challenged the same and obtained interim stay.



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Thus, the learned counsel would state that the 1st respondent, who is in the habit of suppressing the material facts before this Court, is not entitled to any equity from this Court. Hence, the order impugned is liable to be set aside.

4. Learned counsel appearing for the 1st respondent would state that under the garb of complying with the order impugned in this appeal, the appellant had directed the 1st respondent to appear for a written test and interview for promotion to the post of P.G Assistant (Chemistry). The 1st respondent is a qualified candidate working in the appellant school and therefore conducting written examination for promoting her is unknown to the Tamil Naadu Recognised Private Schools (Regulations) Act. Therefore, challenging the said action of the appellant, the 1st respondent filed W.P(MD)No.22639 of 2024 and this Court finding that the 1st respondent has made out a *prima facie* case, has granted interim stay by order dated 23.09.2024. Thus, the learned counsel would state that the action of the appellant in conducting written examination for promoting their own teacher is arbitrary. Hence, he would pray for dismissal of the writ petition.



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5. Heard both sides.

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6. Though the 1st respondent was found to be surplus, the fact remains that there are vacancies in P.G Assistant posts, wherein, similarly placed excess B.T teachers were considered and promoted. However, the 1st respondent has been singled out. Even after the impugned order passed by this Court, the appellant have chosen to conduct written examination for promoting the 1st respondent, which shows the *mala fide* intention on the part of the appellant in any way to deny promotion to the 1st respondent. Such action has been rightly stayed by this Court.

7. Therefore, the Writ Appeal is dismissed. The appellant shall pass order promoting the 1st respondent as P.G Assistant within a period of four weeks from the date of receipt of a copy of this judgment. No costs.

[J.N.B, J.] [S.S.Y, J.]
30.04.2025

Index : Yes / No
Neutral Citation : Yes / No
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J.NISHA BANU, J.
AND
S.SRIMATHY, J.

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To

1. The Director of School Education,
Chennai-6.
2. The Chief Educational Officer,
Virudhunagar District.

JUDGMENT MADE IN
W.A(MD)No.1171 of 2025
DATED : 30.04.2025