

WP(MD)No.15761 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.15761 of 2021

S.Pappa

.. Petitioner

v.

1.The Chief Educational Officer,
Virudhunagar District.

2.The District Educational Officer,
Srivilliputhur,
Virudhunagar District.

3.The Block Educational Officer,
Srivilliputhur,
Virudhunagar District.

4.Sivanthi Vinayagar Primary School,
Rep. by its Secretary,
V.Veerandi

5.M.Vairamuthu

6.The Director of School Education,
DPI Campus, Chennai.

.. Respondents

[R.5 impleaded vide order dated 04.10.2021]

[R.6 *suo-motu* impleaded vide order dated 28.01.2025]



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PRAYER: Petition filed under Article 226 of the Constitution of India

seeking issuance of a Writ of Mandamus directing the respondents to approve the promotion of the petitioner as Elementary School Headmaster as per the proposal submitted by the Management dated 18.04.2021, with all consequential benefits.

For Petitioner : Mr.V.Panner Sevam

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader
for R.1 to R.3, R.6

Mr.Aswin Rajasimman
for R.4

Mr.K.Sureshkumar
for R.5

ORDER

The petitioner is working as a Secondary Grade Teacher in the fourth respondent aided institution. She has approached this Court that the proposal made by the fourth respondent promoting this petitioner as the Elementary School Headmistress dated 18.04.2021 has not been approved by the second respondent.



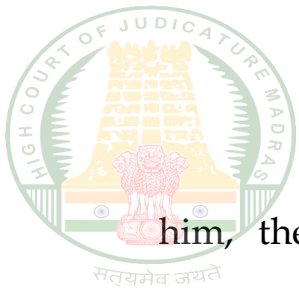
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2.Learned Counsel for the petitioner submitted that the petitioner is the senior-most Teacher entitled for promotion as Headmistress, however, the fifth respondent has been directly inducted as the Headmaster of the fourth respondent School. The order of appointment of the fifth respondent as Headmaster was challenged and the Hon'ble Supreme Court, by order dated 18.08.2022, in SLP.Diary.No.20562 of 2022, has permitted the fifth respondent to work only as a Secondary Grade Teacher.

3.The grievance of the petitioner is that though she is the senior-most Teacher and even after the orders of the Hon'ble Supreme Court, the fifth respondent has been permitted to function as the Headmaster of the fourth respondent School, because of his influence with the Educational authorities.

4.Learned Additional Government Pleader, based on the written instructions, submitted that the petitioner is suffering from certain ailments and she is not attending the School for the past nine months. According to



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him, there are three Teachers, including the petitioner and the fifth respondent, in the line for appointment as Headmaster. The other Teacher, namely, Uma, is the junior-most and therefore, the fifth respondent is permitted to work as Headmaster (in-charge) of the School.

5.Learned Counsel for the fourth respondent submitted that the School is now under the direct management of the Government.

6.The fifth respondent was originally not a party to this writ petition and he has been impleaded vide order dated 04.10.2021. Learned Counsel for the fifth respondent submitted that the fifth respondent, who is working as a Secondary Grade Teacher, is eligible for appointment as Headmaster. By considering his seniority, he has been entrusted to function as the Headmaster (in-charge) of the fourth respondent School.

7.This Court considered the rival submissions made by the respective parties and perused the materials placed on record.

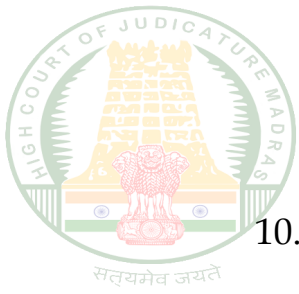


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8.The petitioner has approached this Court that the proposal made by the fourth respondent School to appoint her as the Headmistress was not approved by the second respondent. From the case of the petitioner, it appears that the petitioner is working in the School from the year 1990 and the fifth respondent is working from the year 1998. However, the petitioner was not permitted to function as the Headmistress and on the other hand, the fifth respondent was permitted to function as the Headmaster.

9.This issue went upto the Hon'ble Supreme Court and the Hon'ble Supreme Court, in SLP.Diary.No.20562 of 2022, dated 18.08.2022, has condoned the delay, ordered notice to the parties and also permitted the fifth respondent to work as a Secondary Grade Teacher. The matter is subjudiced before the Hon'ble Supreme Court and in the meantime, the fifth respondent was permitted to work only as a Secondary Grade Teacher. While so, permitting the fifth respondent to function as the Headmaster would be against the orders of the Hon'ble Supreme Court.



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10. Considering the manner in which the issue has been dealt with, this Court *suo-motu* impleads the Director of School Education, DPI Campus, Chennai, as a party to this writ petition and directs Mr.G.V.Vairam Santhosh, learned Additional Government Pleader to take notice on behalf of the newly impleaded respondent.

11. The newly impleaded respondent shall consider the issue on hand and take a decision as to the petitioner's eligibility for appointment as Headmistress, till such time the issue is decided by the Hon'ble Supreme Court in SLP.Diary.No.20562 of 2022.

Accordingly, this writ petition stands disposed of. There shall be no order as to costs.

Index : Yes / No
NCC : Yes / No
gk

28.01.2025

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B.PUGALENDHI, J.

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