

W.A.(MD)No.2586 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.04.2025

CORAM:

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

**W.A(MD)No.2586 of 2024
and
C.M.P.(MD)No.18168 of 2024**

- 1.The Director of School Education,
Chennai-600 006.
- 2.The Chief Educational Officer,
Tenkasi District.
- 3.The District Educational Officer (Secondary),
Tenkasi District.

... Appellants

Vs.

The Correspondent,
Punitha Arulappar Higher Secondary School,
Avudayanoor, Tenkasi District.

... Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order of this Court in W.P.(MD)No.25819 of 2023, dated 08.11.2023.

For Appellants :Mr.J.Ashok
Additional Government Pleader
For Respondent :Mr.V.Panneer Selvam



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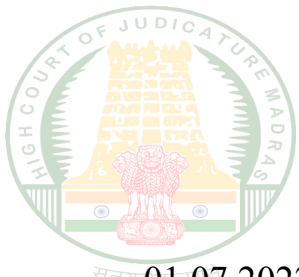
JUDGMENT

(Judgment of the Court was delivered by **S.SRIMATHY, J.**)

The writ appeal is filed by the respondents in the writ petition against the order dated 08.11.2023 passed in W.P.(MD)No.25819 of 2023.

2.The writ petition was filed for issuance of a Writ of Certiorarified Mandamus, to quash the order passed by the second respondent in his proceedings in O.Mu.No.4219/A2/2023, dated 25.09.2023, and to direct the respondents to approve the promotion of X.Antony Arul Pradeep as Headmaster of the Punitha Arulappar Higher Secondary School, Avudayanoor and to disburse the grant in aid from the date of promotion, i.e., from 10.05.2022 with all consequential benefits.

3.The brief facts as stated in the writ petition are that one X.Antony Arul Pradeep was appointed as a B.T Assistant on 15.03.2010 and the said appointment was approved by the authorities. The said candidate is having a P.G degree with B.Ed. qualification. After completion of 10 years of service, he was promoted to the post of Higher Secondary School Headmaster vide order, dated 07.05.2022. A proposal was forwarded to the second respondent in the writ petition on



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01.07.2022 seeking approval for the said promotion. The proposal was rejected under the order impugned in the writ petition on the ground that in view of the Tamil Nadu Recognized Private Schools (Regulation) Act, 2018 and the Rules, 2023, the post of B.T Assistant is not the feeder category for being appointed as a Headmaster of a Higher Secondary School. Hence, the writ petition is filed.

4. The writ petitioner contended that on a similar ground, the appointment of a Headmaster of the same School was rejected in the year 2015 and the same was challenged in W.P(MD)No.19022 of 2015. This Court was pleased to allow the writ petition on 02.11.2016, directing the authorities to approve the promotion. In the present case, the promotion has been effected on 07.05.2022 and the new Rules, 2023 came into force only on 13.01.2023. Therefore, even before the notification of the new Rules, the promotion has been effected and the proposal has been forwarded to the second respondent in the writ petition. Therefore, the authorities could not rely upon the new Rules, which came into force on 13.01.2023. As per the old Rule of the year 1974, the qualification for being appointed as Headmaster of Higher Secondary School is a Master's Degree of a University with B.Ed. qualification and teaching experience of ten years as B.T Assistant. Therefore, the concerned Teacher is qualified to be appointed as



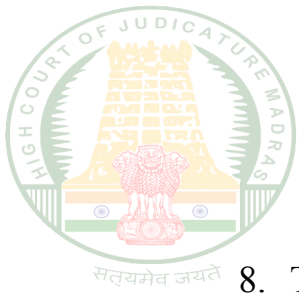
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Headmaster of the Higher Secondary School.
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5. The respondents in the writ petition contended that the rules that are prevailing as on the date when the proposal is considered will govern the conditions of service and therefore, as per the new Rules, 2023, B.T Assistant post is not a feeder category for being appointed as Headmaster of Higher Secondary School. Hence, they prayed to dismiss the writ petition.

6. After hearing the rival submissions, the Writ Court quashed the impugned order in the writ petition and remitted the matter back to the 2nd respondent in the writ petition to consider the proposal of the Management, dated 01.07.2022, in the light of the judgment of this Court in W.P(MD)No.19022 of 2015, dated 02.11.2016 and pass orders on merits and in accordance with law, within a period of twelve weeks. Aggrieved over the same, the Government / respondents in the writ petition have preferred the present writ appeal.

7. Heard Mr.J.Ashok, Learned Additional Government Pleader appearing for the appellants and Mr.V.Panner Selvam, Learned Counsel appearing for the respondent and perused the records.



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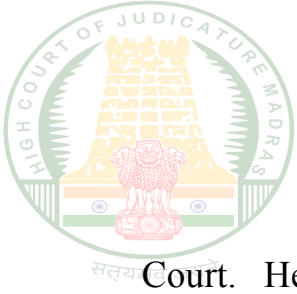
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8. The Learned Counsel appearing for the respondent herein / writ petitioner circulated a proceeding of the Chief Educational Officer, Tenkasi, in Na.Ka.No.5434/Aa2/2023, dated 20.08.2024, wherein the approval was granted for the said promotion.

9. Further, this Court is of the considered opinion that the date of appointment and the date of promotion is crucial to consider whether the old Rules are applicable or new Rules are applicable. It is not the date of approval. Even if approval is granted on a later date, the approval is effective from the date of appointment / promotion. Therefore, the contention of the appellant ought to be rejected.

10. If such argument of the appellants / Government is accepted, then whenever the Government is delaying in granting the approval, the rights of the appointee would be seriously prejudiced. Hence, such an argument cannot be entertained.

11. The Writ Court had rightly rejected the contention of the appellants. Therefore, this Court is not inclined to interfere with the order passed by the Writ



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Court. Hence, the writ appeal is dismissed, confirming the order passed by the Writ Court. No costs. Consequently, connected miscellaneous petition is closed.

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

07.04.2025

Index : Yes / No

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