



W.P.No.9539 of 2014

4.The Tamil Evangelical Lutheran
Chursh (telc) Aided Middle School, at
M.Udaiyur, Kattumannarkoil Tk,
Cuddalore Dist 608303, Rep.by its
Corrs.Rev.S.Richard Anbunathan Ba.Bd.

Respondent(s)

PRAYER

Writ Petition is filed under Article 226 of the Constitution, praying for the issuance of Writ of Certiorari, to call for the proceedings of the 3rd respondent in Na.Ka.No.1861/A1/2013 dated 2.12.2013 and quash the same

For Petitioner(s): M/s. R.Syed Mustafa
N.Balamuralikrishnan

For Respondent(s): P.Rajarajeswari, Govt.Advocate

ORDER

The petitioner challenges the communication dated 01.12.2013 issued by the Additional Assistant Educational Officer, the third respondent herein, whereby the fourth respondent was instructed to relieve the petitioner from duty on the ground that the petitioner was functioning as Headmaster without obtaining prior approval from the Education Department.

2. The petitioner was appointed as B.T. Assistant on 04.12.2008 in the fourth respondent school, in the vacancy caused by the retirement of one



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Mr.Sivaprakasam on attaining the age of superannuation. The fourth respondent school management forwarded a proposal seeking approval of the petitioner's appointment. However, the said proposal was returned citing certain deficiencies to be complied with. The petitioner claims that the fourth respondent school management subsequently complied with the deficiencies and submitted a fresh proposal on 24.02.2010. The State, however, in its counter affidavit, has stated that no such fresh proposal was received from the fourth respondent school.

3. Meanwhile, the petitioner was promoted as Middle School Headmaster in the fourth respondent school due to a vacancy arising on account of the transfer of the incumbent B.T. Headmaster to T.E.L.C. Middle School, Chidambaram, vide order dated 29.08.2012.

4. The learned counsel appearing for the petitioner placed reliance on G.O.(3D) No.25 dated 31.03.2008 issued by the School Education (B1) Department, wherein the appointment of the petitioner's predecessor, namely Mr. Samuel Jayakumar, as Headmaster in the fourth respondent school was approved, notwithstanding the fact that he had not completed



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five years of experience. It was further provided therein that he would be paid the pay and allowances attached to the post of B.T. Teacher until completion of five years of experience and, thereafter, the pay and allowances attached to the post of Headmaster. The petitioner claims that his case ought to be considered in the light of the aforesaid Government Order.

5. However, the State continues to dispute the petitioner's claim by contending that the alleged fresh proposal submitted by the fourth respondent school, was never received by the Education Department. In view of the above, this Court disposes of the present writ petition with the following directions:

The fourth respondent school shall submit a fresh proposal to respondents 1 to 3 seeking approval of the petitioner's appointment, in the first instance, to the post of B.T. Assistant and thereafter to the post of Middle School Headmaster, within a period of two months from the date of receipt of a copy of this order. Upon receipt of such fresh proposal, respondents 1 to 3 shall consider the same on its own



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merits and in accordance with law, and also in the light of G.O.

(3D) No.25, School Education (B1) Department, dated 31.03.2008, and pass appropriate orders within a further period of two months. There shall be no order as to costs.

Suk

07.01.2026

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1. The Directorate Of
Elementary School Education College
Road, Chennai-6.

2.The District Elementary
Education Officer, Cuddalore.

3.The Additional Assistant
Elementary Education Officer,
Kumaratchi Block, Kattumanarkoil Taluk,
Cuddalore District 609 303.

4.The Tamil Evangelical Lutheran
Chursh (telc) Aided Middle School, at
M.Udaiyur, Kattumannarkoil Tk,
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HEMANT CHANDANGOUDER, J.

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