

# 40 Yrs On, Ex-HM Still Struggling with Legal Battle for Teachers' Right to Appeal

by Rajasekaran RK

**Madurai:** An 85-year-old retired headmaster of a school in the temple city has been fighting in the courts for about 40 years to retrieve the right to appeal of the teachers working in government-aided minority schools in the state. Though he is yet to attain success, he still keeps on knocking at the portals of the Madras High Court and the Supreme Court for sake of the cause.

During the Emergency in 1975, the Madras HC pronounced an order that five sections including 11 (1) (b) (Recognition of minority

school), 14 (Payment of grant from the government), 22 (prior approval of the competent authority needed to take action against teachers), 23 (Right to appeal (against disciplinary action) for teachers before the competent authority) and 24 (Right to appeal before tribunal) of Tamil Nadu Recognised Private Schools (Regulation) Act 1974 would not be applicable to the minority schools.

As per the court order, the government-aided minority school teachers could not appeal either against the School Education Department or tribunal, but they should ap-

proach only the High Court. "It was a double standard in the education system because the same right was available to the teachers of government-aided non-minority schools," said Vidyandan, the retired HM.

In 1953, T N Vidyandan as a teacher, who handled English and Mathematics, in Saurashtra Higher Secondary School, a linguistic government-aided minority school. He became its HM in 1973 and the school management axed him in 1978.

citing the HC ruling given in 1975 that disallowed

right to appeal for minority school teachers, his writ petition was dismissed by the court.

Only after the intervention of the apex court, he could get his job back after nine years of legal struggle, that too, only before a month of his superannuation in 1987.

Though he could get the job back as also the pension, he again knocked the doors of the SC in the hope of helping other teachers get the right to appeal.

"With the backing of my family, I could fight in the courts to get the job which I lost. But at the same time, other teachers could not af-



T N Vidyandan

ford it. So I want to get them the right to appeal", said Vidyandan.

In 1996, Vidyandan filed a petition over the right to appeal issue in the SC, which heard the peti-

tion along with other petitions, and it ensured various rights including the right to appeal for the teachers in the minority schools in the TMA Pai Foundation case in 2002.

Though the SC ordered the HC to re-examine and reconsider the right to appeal matter based on the former's judgment given in 2002, no action was taken till 2007, when Vidyandan preferred a writ petition along with a few others. The HC in October 2012 closed the case after the State government stated that it would come up with a comprehensive act to govern the private

schools in the light of introduction of 'Samacheer Kalvi' (uniform school education) and the Right to Education Act. But at the same time, the government also said that till the enactment of the new law, the HC's 1975 ruling would be retained.

"As the ruling was retained, the right to appeal has not been retrieved. So I am continuing a series of legal battles in the courts till now. Between 1996 and 2016, he has so far filed seven petitions in the SC and Madras HC challenging the state government's stand on the right to appeal", said Vidyandan.

Recently, the HC dismissed one of his writ petitions praying to take action against the State School Education secretary as she failed to comply with the court's order directing the government to enact the new law within six months from February 2015, when Vidyandan's another petition was dismissed.

Despite the setbacks, he wanted to continue his struggle to get the right to appeal back to about 50000 teachers working in the government-aided minority schools across the State. "I will file a Special Leave Petition (SLP) in the SC," he mentioned.

