

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.519 of 2015
and
M.P.No.1 of 2015

R.Prasannadevi

.. Petitioner

vs.

1. Director of School Education
College Road, Chennai-6.
2. Chief Educational Officer
Panagal Building, Chennai-15.
3. District Educational Officer
Chennai (East)
Chennai-94.
4. Vallal S.I.Alagarsamy Chettiar
Higher Secondary School
rep. by its Correspondent
2 & 3, Adham Shahib Street
Royapuram, Chennai-13.
5. Headmaster
Vallal S.I.Alagarsamy Chettiar
Higher Secondary School
2 & 3, Adham Shahib Street
Royapuram, Chennai-13.

..Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of certiorarified mandamus to call for the records pertaining to the order passed by the fifth respondent in his proceedings No.Nil dated 06.01.2015; to quash the same and to direct the respondents to promote the petitioner as P.G.Assistant (Tamil) and confer all the consequential benefits.

For Petitioner : Mr.T.Sellapandian for
M/s.C.S.Associates

For Respondents : Mr.M.S.Ramesh
Additional Government Pleader
for RR1 to 3
No appearance for RR4 and 5

O R D E R

The petitioner is presently working as B.T.Assistant (Tamil) in Vallal S.I.Alagarsamy Chettiar Higher Secondary School at Royapuram, Chennai. The next avenue of promotion is to the post of P.G.Assistant (Tamil). According to the petitioner, she is the only eligible candidate for promotion to the post of P.G.Assistant (Tamil). The Management has issued a Notification calling for applications for the said post notwithstanding the claim made by the petitioner. The petitioner, is therefore, before this Court challenging the Notification issued by the Management.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing on behalf of the respondents 1 to 3.

3. The respondents 4 and 5 failed to appear before this Court inspite of service of notice and printing their names in the cause list.

4. The petitioner is presently working as Tamil Pandit and she is eligible to the post of P.G.Assistant Tamil. The factual matrix indicates that the post of Tamil Pandit is a feeder category for appointment to the post of P.G.Assistant. The petitioner is making a claim on the basis of Rule 15(4) of the Tamil Nadu Recognized Private Schools (Regulation) Act and the Rules, which provides that appointment to various categories of teachers shall be made at the first instance by promotion from among the qualified teachers in that school. The petitioner, who is in the feeder category, therefore, would contend that when there is an eligible candidate for promotion, it is not open to the Management to resort to direct recruitment.

5. I am, therefore, of the view that the Management was not correct in calling for applications for appointment to the post of P.G.Assistant (Tamil) without considering the claim made by the petitioner.

6. In the result, the impugned Notification dated 06.01.2015 is set aside. The fourth respondent is directed to consider the claim of the petitioner for promotion to the post of P.G.Assistant (Tamil) taking into consideration her seniority position, qualification and in the light of Section 15(4) of the Tamil Nadu Recognized Private

Schools (Regulation) Act and the Rules. Such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

7. In the upshot, I allow the writ petition. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar
Dated:27.2.15

True Copy

Sub Assistant Registrar

To

1. Director of School Education
College Road, Chennai-6.
 2. Chief Educational Officer
Panagal Building, Chennai-15.
 3. District Educational Officer
Chennai (East)
Chennai-94.
- +1 cc to M/s.C.S.Associates,Advocate,SR.9113
- +1 cc to Government Pleader,SR.9232.

nm(co)
krd 5/3

W.P.No.519 of 2015

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