



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.10.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD)No.18237 of 2015

M.Maragatha Valli

... Petitioner

Vs.

1.The Joint Director of School Education
(Higher Secondary)
DPI Compound,
College Road,
Chennai-600 006.

2.The Chief Educational Officer,
Collectorate Campus,
Tirunelveli,
Tirunelveli District.

3.The District Educational Officer,
Cheranmahadevi,
Opp to Rathna Theatre,
Tirunelveli,
Tirunelveli District.

4.The Correspondent,
Sokkalal Higher Secondary School,
Mukkudal,
Tirunelveli District.

5.The Secretary,
Sokkalal Higher Secondary School,
Mukkudal,
Tirunelveli District.

6.S.Sivasubramaniyan

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to dispose the appeal dated 31.08.2015 preferred by the petitioner U/s 23 of the Tamil Nadu (Recognized) Private School Regulation Act, 1973 within the period that may be stipulated by this Court.

For Petitioner

... Mr.K.Ponniah for
M/s.Ajmal Associates

For Respondents
R1 to R3

... Mr.T.S.Mohammed Mohaideen
Addl. Govt. Pleader



O R D E R

This Writ Petition has been filed by M.Maragatha Valli seeking writ or mandamus to direct the The Joint Director of School Education (Higher Secondary), Chennai to dispose of the appeal dated 31.08.2012 preferred by the petitioner under Section 23 of the Tamil Nadu (Recognized) Private School Regulation Act, 1973.

2.By consent, this Writ Petition is taken up for hearing at the stage of admission itself.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate, who takes notice for the respondents.

4.When the petitioner is serving as Secondary Grade Teacher, preferred a complaint dated 16.06.2015 to the respondents to take action against the sixth respondent. Since no action has been taken, she has made one more representation dated 24.06.2015 to cancel the promotion given to the sixth respondent on the ground that when the sixth respondent, working as drawing instructor in the fourth respondent school has threatened the petitioner in the name of management and forcibly obtained N.O.C from him for relinquishing his promotion. In view of that, the petitioner has given a complaint on 03.07.2015 to the second and third respondents against the fifth and sixth respondents to take departmental action. As there is no proper response, she has preferred an appeal to the first respondent dated 31.08.2015, under Section 23 of the Tamil Nadu (Recognized) Private School Regulation Act, 1973. Since the first respondent has not taken any steps to dispose of the appeal, the present petition has been filed for the aforesaid relief.

5.The learned Additional Government Pleader submitted that the complaint given by the petitioner on 31.08.2015 cannot be treated as an appeal under Section 23 of the Tamil Nadu (Recognized) Private School Regulation Act, 1973, since an aggrieved person against any order alone, can prefer an appeal. Any teacher or other person employed in any private school, who is dismissed, removed or reduced in rank or whose appointment is otherwise terminated; or whose pay or allowances or any of whose conditions of service are altered or interpreted to his disadvantage, by any order, may prefer an appeal against such order to such authority or officer. But in the present case, no order has been passed, hence, no direction can be given to dispose of the appeal, as the representation dated 31.08.2015 cannot be treated as an appeal under Section 23 of the Tamil Nadu (Recognized) Private School Regulation Act, 1973.

6.Admittedly, since there was no order passed by any competent authority, the petitioner cannot come to this Court saying that the appeal dated 31.08.2015 is liable to be disposed of on merits. Therefore, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar

/True Copy/



To

1.The Joint Director of School Education
(Higher Secondary)
DPI Compound,
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2.The Chief Educational Officer,
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3.The District Educational Officer,
Cheranmahadevi,
Opp to Rathna Theatre,
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Tirunelveli District.

+1cc to M/S.Ajmal Associates, Advocate SR.No.59482

+1cc to The Special Government Pleader, Madurai. SR.No.60148

W.P. (MD) No.18237 of 2015

08.10.2015

ns

NS/SK-SKN/27.11.2015 : 3P/6C