



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2016

C O R A M

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.12230 of 2016
and W.M.P (MD) Nos.9322 & 9323 of 2016

P.Rajathi

.. Petitioner

Vs.

1.The Director of Secondary School Education,
DPI Campus,
Chennai - 600 006.2.The District Educational Officer,
Srivilliputhur Education District,
Srivilliputhur,
Virudhunagar District.3.The Chief Educational Officer,
Virudhunagar District,
Collector Office Campus,
Virudhunagar.4.The Secretary,
Pu.Mu.Ma.Ammaiyappa Nadar Girls Higher
Secondary School,
Thalavaipuram,
Rajapalayam Taluk,
Virudhunagar District.

..Respondents

Prayer :Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, to call for the records from the fourth respondent relating to the impugned order, dated 12.01.2016 and impugned advertisement made in Dinamalar Newspaper, dated 01.06.2016, quash the same and consequently to direct the respondents to promote/appoint the petitioner in the post of P.G. Assistant (Economics) in the fourth respondent School in the vacancy caused due to the retirement of the Teacher-M.Poomani on 30.05.2013 within a time frame fixed by this Court.



For RR 1 to 3 : Mr.Aayiram K.Selvakumar
Government Advocate

ORDER

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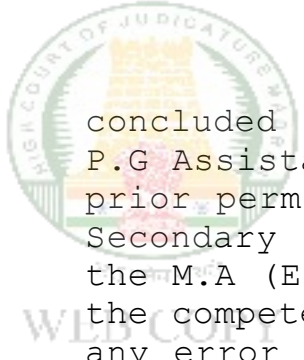
The petitioner seeks for the issuance of a Writ of Certiorarified Mandamus, to call for the records from the fourth respondent relating to the impugned order, dated 12.01.2016 and the impugned Advertisement made in Dinamalar Newspaper, dated 01.06.2016, quash the same and consequently to direct the respondents to promote/appoint the petitioner in the post of P.G. Assistant (Economics) in the fourth respondent School in the vacancy caused due to the retirement of Teacher-M.Poomani on 30.05.2013, within a time-frame to be fixed by this Court.

2. Heard the learned counsel for the petitioner. Mr.Aayiram K.Selvakumar, learned Government Advocate takes notice for the respondents 1 to 3.

3. The petitioner, who was appointed as a Secondary Grade Teacher in the fourth respondent School on 05.06.1995, by virtue of the impugned order, was denied the benefit of promotion to the post of P.G Assistant (Economics). Therefore, she has come forward with this Writ Petition, challenging the same.

4. Appearing party-in-person, the petitioner submitted that, after she joined in the fourth respondent School as a Secondary Grade Teacher on 05.06.1995, she completed her B.Sc Degree (Mathematics) in the year 2000 and also obtained M.A Degree in Economics in 2008. Later on, during 2011, she also acquired the B.Ed Degree. As per Rule 15(4)(i) of the Tamil Nadu Recognized Private Schools (Regulation) Rules, 1974, being the only teacher in the fourth respondent school with all adequate and requisite qualifications, the petitioner pleaded that the fourth respondent should have promoted her. After repeated representation, her fair plea for promotion having been denied through the impugned order, she has come to this Court with the above prayer.

5. But, this Court is not inclined to entertain the Writ Petition for two reasons. Firstly, by the impugned order, the fourth respondent school has refused the request of the petitioner to promote and appoint her in the post of P.G Assistant (Economics) under Rule 15(4)(i) of the Tamil Nadu Recognized Private Schools (Regulation) Rules, 1974, as she has not acquired both B.A and M.A Degrees in Economics. Admittedly, the petitioner has completed her B.Sc (Mathematics) Degree in the year 2000 and side-lining from Mathematics, she acquired M.A (Economics) Degree in the year 2008. This apart, a Committee constituted by the fourth respondent school visited while she was taking class for the students and, not being satisfied with her performance, it was



concluded that she is not eligible for promotion to the post of P.G Assistant (Economics). Moreover, the petitioner did not obtain prior permission for pursuing the B.Sc Degree, while serving as a Secondary Grade Teacher. Similarly, she appears to have obtained the M.A (Economics) Degree without obtaining prior permission from the competent authority. Therefore, this Court is not able to find any error or infirmity in the impugned order passed by the fourth respondent.

6. Accordingly, the Writ Petition fails and the same is dismissed. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-
Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

To

1.The Director of Secondary School Education,
DPI Campus,
Chennai - 600 006.

2.The District Educational Officer,
Srivilliputhur Education District,
Srivilliputhur,
Virudhunagar District.

3.The Chief Educational Officer,
Virudhunagar District,
Collector Office Campus,
Virudhunagar.

+1cc to special Government Pleader Sr.No.36466

ps

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