



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2016

CORAM

THE HONOURABLE **MR. JUSTICE T. RAJA**

W.P(MD) .No.13608 of 2016

and

W.M.P. (MD) .No.10144 of 2016

S.Mary Shiny

... Petitioner

Vs.

1.The Director of School Education,
(Hr.Sec.Schools),
D.P.I.Campus, College Road, Chennai-600 006.

2.The Chief Educational Officer,
Kanyakumari District, Kanyakumari.

3.The District Educational Officer,
Kuzhithurai Educational District,
at Marthandam, Kanyakumari District.

4.The Arch Bishop (Roman Catholic),
Vellayambalam, Trivandrum 695 003.

5.The Correspondent,
Pius XI Higher Secondary School,
Thoothoor Post-629 176,
Kanyakumari District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the Respondents 4 and 5 herein to appoint the Petitioner as P.G. Assistant Physics Teacher in the permanent vacancy now available in the 5th Respondents School w.e.f. 01.05.2016 based on the petitioners original seniority dated 23.07.2008 and consequently directing the respondents 1 to 3 herein to approve the same and confer all monitory benefits to the petitioner w.e.f. 01.06.2016.

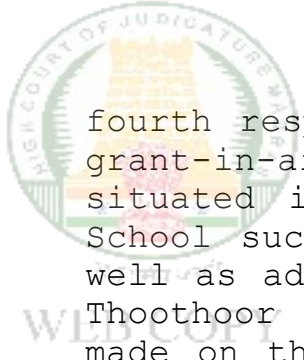
For petitioner : Mr.S.Bharathi Kannan

For respondents : Mr.M.Murugan

Government Advocate

ORDER

<https://hcservices.ecourts.gov.in/Bcservices/> S.Mary Shiny, claiming to be a Member of Thoothoor Parish, has come forward with this Writ Petition stating that the fifth respondent School is functioning under the Management of the



fourth respondent School. The fifth respondent School is receiving grant-in-aid from the Government. Even though the School is situated in Thoothoor Village, the enjoyment right of the said School such as appointment of teaching and non-teaching staff as well as admission of students is shared by two Parishers, namely, Thoothoor Parish and Chinnathurai Parish. The appointments are made on the basis of each turn of Parish. Now, the turn is for Chinnathurai Parish. Therefore, on coming to know there is a vacancy at Chinnathurai Parish, the petitioner being the senior most person among the eligible four candidates, has applied for post of Assistant Teacher in Physics. However, the fourth and the fifth respondent informed the petitioner that her seniority will be counted from the month of April, 2012 instead of 23.07.2008 with a *mala fide* intention to appoint one S. Maria Goreity, who is the brother's wife of the Secretary of Selection Committee of Thoothoor Village. Now, the President of the Selection Committee as well as the fifth respondent are taking effective steps to appoint the said Maria Goreity, by overlooking the seniority of the petitioner. Stating all these facts, the petitioner has sent a representation to the fourth and the fifth respondents. Since the said representation did not evoke any response, the petitioner is before this Court.

2. Be that as it may, this Court is not inclined to entertain this Writ Petition for the reason that whether the petitioner is Senior to the said Maria Goreity or some body else, the petitioner has to work out her remedy before the Civil Court in the manner known to law and more particularly, Writ will not lie against the fourth and the fifth respondents herein. Therefore, it is for the petitioner to work out her remedy within forum available with fourth and the fifth respondents alone. In other words, this Court has no jurisdiction to go into allegations levelled in this Writ Petition. Therefore, this Writ Petition fails and accordingly, it is liable to be dismissed.

2.1. At this juncture, learned Counsel for the petitioner submitted at least a direction shall be given to the respondents to consider the representation of the petitioner dated 18.07.2016. When this Court does not have any jurisdiction to entertain this Writ Petition, there is no question of issuing any direction to the fourth and fifth respondents herein.

3. Accordingly, this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

/TRUE COPY/



To

1.The Director of School Education,
(Hr.Sec.Schools) ,
D.P.I.Campus,
College Road,
Chennai-600 006.

2.The Chief Educational Officer,
Kanyakumari District,
Kanyakumari.

3.The District Educational Officer,
Kuzhithurai Educational District,
at Marthandam,
Kanyakumari District.

+1cc to M/S.THE SPECIAL GOVERNMENT PLEADER, SR NO: 41215

+1cc to M/S.S.BARATHY KANNAN,ADVOCATE, SR NO:41027

ssm

JA-SKS-RR/SAR.III/2.09.2016/3P:6C

W.P (MD) .No.13608 of 2016

01.08.2016