



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2016

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition (MD) No.1814 of 2016
and W.M.P.(MD)No.1555 of 2016

P.Maheswari

.. Petitioner

Vs.

1.The Director of Elementary Education,
College Road, Chennai.

2.The District Elementary Officer,
Theni District, Theni.

3.The Educational Agency Secretary,
Tha Pe Val Velalar Uravinmurai Sangam
Chinnemanur,
Theni District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent herein to consider the request of the petitioner, dated 19.10.2015 and consequently directing the third respondent to appoint the petitioner as a Senior Teacher in the Educational Agency of the third respondent.

For petitioner ... Mr.C.Jegannathan

For Respondents ... Mr.V.Muruganandam

Additional Government Pleader

O R D E R

Mr.V.Muruganantham, learned Additional Government Pleader, takes notice for the respondents.

2. The petitioner seeks for a Mandamus directing the second respondent herein to consider the request of the petitioner, dated 19.10.2015 and consequently directing the third respondent to appoint the petitioner as a Senior Teacher in the Educational Agency of the third respondent.

3.The petitioner, who is a B.T.Assistant in the third respondent school, joined as a graduate teacher in the year 2005 and he has completed 10 years of service. He claims to be the senior most teacher eligible for the post of Head Master. His grievance is that the teachers, who are holding the lower cadre posts viz., the secondary grade teachers, were kept above his name in the attendance register, despite the second respondent herein directed the third



respondent to follow the Rule of cadre and the seniority in the attendance register.

4. Therefore, the petitioner had made a request to the respondents 1 and 2 and also to the third respondent to nominate him as a representative to the School Committee in the Educational Agency of the third respondent school, as per the Tamil Nadu Private Schools Regulations Act. His apprehension is that the third respondent is sending proposals to appoint the teachers, who are juniors to the petitioner, as nominees in the School Committee. Therefore, the petitioner has sent a representation on 19.10.2015 raising his objections to the same. The said representation is pending for more than three months without any action. Therefore, the petitioner has come up with the above writ petition seeking a direction to the second respondent to consider his representation, dated 19.10.2015.

5. As the petitioner's grievance is that the teachers, who are juniors to him, may be appointed in the School Committee and that he seeking a direction to the second respondent to consider his request/objections raised in the representation, dated 19.10.2015, the second respondent is directed to consider the said representation dated 19.10.2015, after issuing notice to all the parties concerned including the third respondent, before considering the inclusion of the junior teachers in the School Committee and the same may be concluded, within a period of four weeks from the date of receipt of a copy of this orders.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (R)

/True Copy/

Sub Assistant Registrar

To

1. The Director of Elementary Education, College Road, Chennai.

2. The District Elementary Officer, Theni District, Theni.

3. The Educational Agency Secretary,

Tha Pe Val Velalar Uravinmurai Sangam Chinnemanur, Theni District.

+1cc to Mr. Veera. Kathiravan, Advocate Sr.No.8302

+1cc to The Special Government Pleader Sr.No.8167

akm/15.02.2016/2p-6c/SKN/SK/SAR-I