

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.17365 of 2011
and
MP.No.1 of 2011

S.Fathima

... Petitioner

Vs.

1. The Commissioner,
Directorate of Differently Able Welfare Department,
15/1, Thousands Light,
Chennai - 5.
2. The District Differently Able Welfare Officer,
Krishnagiri,
Krishnagiri.
3. The District Collector,
Krishnagiri District,
Krishnagiri.
4. The Correspondent,
IELC School for Blind,
Bargur,
Dharmapuri District.
5. D.Jayanthi Josephine,
Music Teacher,
IELC School for Blind,
Bargur, Dharmapuri District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 4th respondent herein to appoint the petitioner for the post of Tamil Pandit in the vacancy available in the India Evangelical Lutheran Church School for Blind in Bargur in Dharmapuri District.

For Petitioner : Mr.R.Marudhachalamurthy
For Respondents : Mr.K.Thangapandi
Government Advocate, for R1 to R3
Mr.A.Immanuel, for R4
Mr.J.John, for R5

O R D E R

The relief sought for in this writ petition is for a direction to the fourth respondent to appoint the petitioner for the post of Tamil Pandit in the vacancy available in the India Evangelical Lutheran Church School for Blind in Bargur in Dharmapuri District.

2. The learned counsel appearing for the writ petitioner states that the writ petitioner is working as Secondary Grade Assistant Teacher in the fourth respondent school and she is fully qualified for appointment to the post of Tamil Pandit, inspite of availability of the vacancy in the post of Tamil Pandit, the writ petitioner has not been appointed, as the grievances set out in the writ petition.

3.The learned counsel appearing for the fourth respondent states that the writ petitioner is already working as Secondary Grade Assistant Teacher and therefore she cannot seek any further appointment in the fourth respondent school. The fourth respondent school is a minority institution and they will have to undertake the process of selection for appointment by following the Rules applicable to the Institution.

4. This Court is of the opinion that the appointment or promotion can never be claimed as a matter of right. The petitioner is already working as Secondary Grade Assistant Teacher and her further appointment or promotion to the post of Tamil Pandit can never be claimed as a legal right. The petitioner has to participate in the selection process whenever the notification is issued to fill up the post of Tamil Pandit in the fourth respondent school. Mere eligibility or qualification will not be a ground to file a writ petition seeking appointment to the post of Tamil Pandit.

5. Thus, the relief as such sought for in this writ petition is absolutely misconceived and this Court is not inclined to

consider the prayer as such sought for in this writ petition. Accordingly, the writ petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ms

To

1. The Commissioner,
Directorate of Differently Able Welfare Department,
15/1, Thousands Light,
Chennai - 5.
2. The District Differently Able Welfare Officer,
Krishnagiri,
Krishnagiri.
3. The District Collector,
Krishnagiri District,
Krishnagiri.

+1cc to Mr.M.Guru Prasad, Advocate, S.R.No.86659
+1cc to Mr.A.Immanuel,, Advocate, S.R.No.85947
+1cc to the Government Pleader, S.R.No.87461

W.P.No.17365 of 2011

DK(CO)
CS/27/12/17

सत्यमेव जयते

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