

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :16.08.2017

CORAM

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

W.P. No.15695 of 2017 and

WMP.Nos.16988 & 16989 of 2017

& WMP.No. 20258 of 2017

A.S.Selvikumari

Petitioner

Vs

1.The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.

2.The chief Educational Officer,
Panagal Building,
Saidapet, Chennai 600 015.

3.The District Educational Officer,
Chennai North, Chennai.

4.The Correspondent,
Sri Gurumurthy Vidyalaya High School,
R.V.Nagar, Chennai 600 118.

5.P.Samundeeswari,
Secondary Grade Teacher
Sri Gurumurthy Vidyalaya High School,
R.V.Nagar, Chennai 600 118.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India

to issue of Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the 4th Respondent in No. Nil dated 06.06.2017 and to quash the same and consequently direct the 4th respondent to appoint/post the petitioner to the post of in-charge Headmaster of 4th respondent school within a time frame.

For Petitioner : Mrs. Dakshayani Reddy
for Mr.G.Sankaran

For Respondents 1 to 3 : Mr.K.Dhananjayan
Special Government Pleader

For Respondent-4 : Mr.Kandhan Durai Sami

ORDER

The order passed by the fourth respondent appointing the fifth respondent as Headmaster in-charge of the fourth respondent School in proceeding dated 06.06.2017 is under challenge in this writ petition.

2. Learned counsel appearing for the Writ petitioner contented that the fifth respondent was appointed as Headmaster without following the procedures. He further contented that the fifth respondent is not even qualified to hold the post of Headmaster itself and hence, the very order of appointment is irregular.

3.The learned Counsel Appearing for the fourth respondent/School contented that the fifth respondent was appointed as Headmaster in-charge and no regular promotion was granted to the fifth respondent while preparing the panel for regular promotion. The Rules relating to the promotion will be followed, by considering all the eligible candidates for the post of Headmaster of the fourth respondent/School. Since, the order impugned in this writ petition states that the fifth respondent is appointed only as Headmaster in-charge, and the Writ petitioner cannot have cause to file this writ petition under Article 226 of the constitution of India. In-charge position is not a regular one and it cannot be construed as regular promotion. It is only a temporary arrangement and the persons appointed as in-charge cannot have any right over the post or any claim for further promotion. While effecting promotion, the Rules relating to the same have to be followed by all the authorities concerned.

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4. In such view of the matter, the grounds raised in this writ petition, at this point of time against the order dated 06.06.2017 need not be considered. It is left open to the parties to adjudicate the

matter if a regular promotion is made. Accordingly, the Writ petition stands dismissed. However, there will be no order as to costs. Consequently connected miscellaneous petitions are closed.

16.08.2017

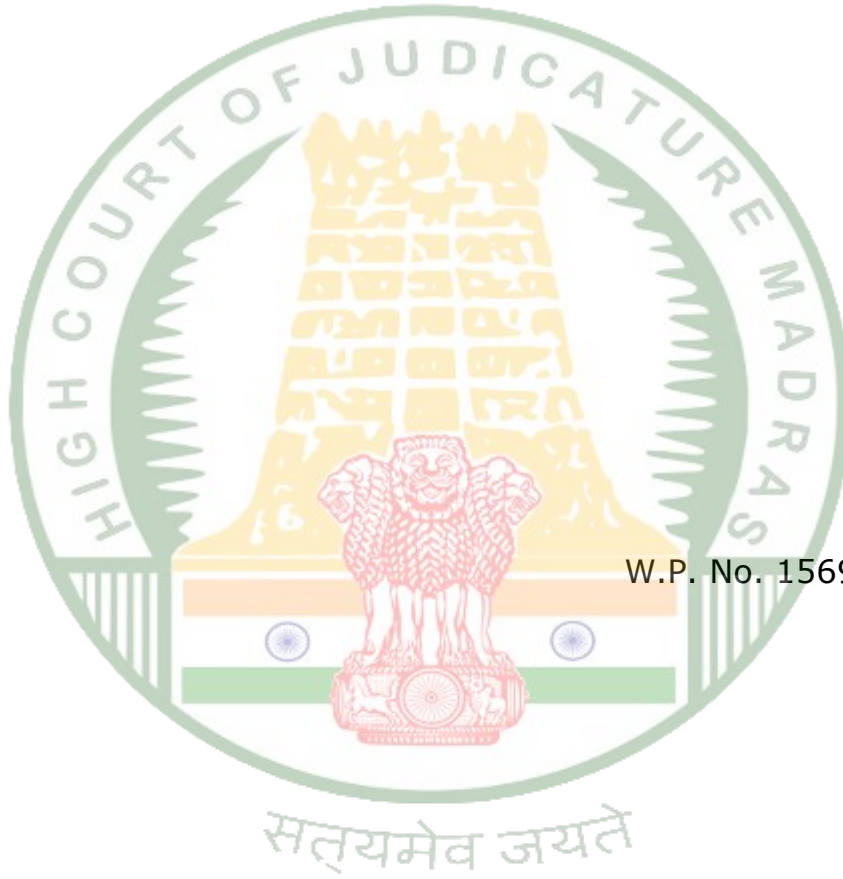
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To

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S.M.SUBRAMANIAM,J.

stm/smi



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