

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Coram

Dated: 23.01.2017

The Honourable Mr. JUSTICE M.SATHYANARAYANAN

Writ Petition No.1638 of 2017

T.Sudha

... Petitioner

-Vs-

1. The Joint Director of School Education
(Higher Secondary), Directorate of School Education,
DPI Campus, College Road,
Chennai - 600 006.
2. The Chief Educational Officer,
Panagal Maligai, Saidapet,
Chennai - 600 015.
3. The District Educational officer,
Chennai Central, Saidapet,
Chennai - 600 015.
4. The Secretary & Correspondent,
The Gopalapuram Boys' Higher Secondary school,
No.11, Conran Smith Road,
Gopalapuram,
Chennai - 600 086

5.K.Valarmathi.

... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the 1st respondent to pass orders on the appeal petition submitted by the petitioner dated 11.11.2016 for cancellation of appointment of 5th respondent as PG Assistant (English) in the 4th respondent School by direct recruitment in violation of Rule 15(4) of Tamil Nadu Recognized Private Schools (Regulation) Rules 1974 and consequently to promote the petitioner to the posts of PG Assistant (English) as per Rules, within a time frame to be fixed by this Honourable Court.

For Petitioner : Mr.G.Sankaran
For Respondents : Mr.K.Dhananjayan,
Special Government Pleader
for R1 to R3

O R D E R

By consent, the writ petition is taken up for final disposal. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 3.

2. The petitioner claims that she is qualified with B.A. (English) as well as B.Ed., and she was appointed as B.T.Assistant (English) in the service of the 4th respondent School on 27.03.2008 and joined the post on 28.03.2008 and her appointment was also duly approved by the Department by the proceedings of the 3rd respondent dated 15.12.2008 and she continues to work in the capacity till this date. The petitioner would further state that the next avenue of promotion is to the post of P.G. Assistant (English) and she is having qualification of M.A. (English) from Mother Theresa Womens University, Kodaikanal. It is further stated by the petitioner that a vacancy to the post of P.G.Assistant arose on account of the retirement of Tmt.P.K.Rajalakshmi on 30.06.2013 and since she is the senior most qualified person for promotion to the said post, she submitted an application to the 4th respondent School on 16.07.2013 praying for promotion to the said post and also submitted a representation to the official respondent. It is also the claim of the petitioner that as per Rule 15(4) (1) of the Tamil Nadu Recognised Private School Regulation Rules 1974, she is eligible to be considered for the said post and however, the 4th respondent had accommodated the 5th respondent by way of direct recruitment in violation of the said Rule. The petitioner, in this regard, has also filed an appeal dated 11.11.2016 to the first respondent. The petitioner also came to understand that the 2nd respondent, vide proceedings dated 03.11.2016, has also sent a proposal.

3. Learned counsel for the petitioner would submit that it would be suffice to direct the first respondent to consider and dispose of the petitioner's statutory appeal dated 11.11.2016 on merits and in accordance with law within the stipulated time.

4. The Court heard the submission of the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3.

5. This Court, taking into consideration the limited scope of the prayer sought for by the petitioner and without going into the merits of the claim projected by her in the statutory appeal, directs the first respondent to consider and dispose of the statutory appeal dated 11.11.2016 on merits and in accordance with law, after putting on notice to the 4th and 5th respondents and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the

decision taken to the petitioner as well as the 4th and 5th respondents. The writ petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

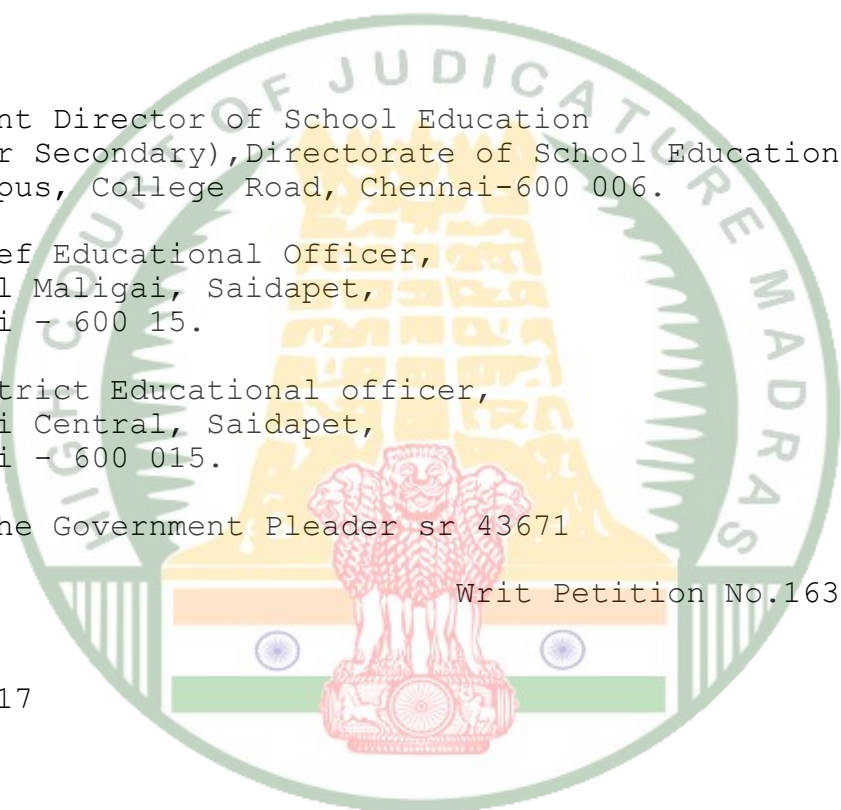
To

1. The Joint Director of School Education
(Higher Secondary), Directorate of School Education,
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2. The Chief Educational Officer,
Panagal Maligai, Saidapet,
Chennai - 600 15.
3. The District Educational officer,
Chennai Central, Saidapet,
Chennai - 600 015.

+1 cc to the Government Pleader sr 43671

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The seal of the High Court of Madras is a circular emblem. It features a central image of the Lion Capital of Ashoka, which is a four-lion capital standing on a base. The capital is flanked by two smaller lions. The entire emblem is set against a background of a green and white striped field. The words "HIGH COURT OF JUDICATURE MADRAS" are inscribed around the perimeter of the seal. Below the seal, the motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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