

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2017

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.16561 of 2017
and
W.M.P.No.17923 of 2017

M.Murugeswari

.. Petitioner

Versus

1. The Secretary,
The Government of Tamil Nadu,
School Education Department,
Fort St.George,
Chennai - 600 009.
2. The Director,
Directorate of School Education,
DPI Buildings, College Road,
Chennai - 600 006.
3. The Joint Director,
Directorate of School Education (Hr.Sec)
DPI Building, College Road,
Chennai - 600 006.
4. The Chief Educational Officer,
CEO Office,
Tiruppur.
5. V.Lawrence,
Physical Director Grade - I,
K.S.C.Government High Secondary School,
Tiruppur.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records of the Fourth Respondent made in Na.Ka.No.3232/A2/2017 dated 07.06.2017 and quash the same and consequently direct the Respondents by permitting the Petitioner to continue as District Inspector of Physical Education, Tiruppur by following, 33% Reservation to women before the Regular appointment of District Inspector of Physical Education in the state of Tamil Nadu.

For Petitioner : Mr.G.Harihara Arun Somasankar

For Respondents : Mr.S.Gunasekaran
Additional Government Pleader

O R D E R

The order of relieving dated 7th June, 2017 is under challenge in this writ petition.

2. The writ petitioner was relieved from the post of Physical Director Grade-I, Tiruppur, as additional charge. The writ petitioner is working as Physical Director Grade-I in Government Boys Higher Secondary School, Uthukuli and in addition to the regular post, she was posted as Physical Director Grade-I in K.S.C Government Higher secondary School, Tiruppur, as additional charge. The writ petitioner was relieved from the additional charge on account of the posting of one, Thiru.V.Lawrence, Physical Director Grade-I, to hold the post at Tiruppur on regular basis. In view of the regular posting of Thiru.V.Lawrence, the additional charge allotted to the writ petitioner to look after the Physical Director Grade-I in Tiruppur was withdrawn.

3. This Court is surprised, under what right the post of Physical Director Grade-I, additional charge can be claimed by the writ petitioner, since the writ petitioner is already holding the post of Physical Director Grade-I at Government Boys Higher Secondary School, Uthukuli. The public post can never be claimed as a matter of right by the Government employees. The employees are to work in the post, they are posted by the competent authority. In this case, the writ petitioner is already holding the regular post of Physical Director Grade-I in Government Boys Higher Secondary School, Uthukuli. Since, there is an administrative delay in posting another person in the post of Physical Director of K.S.C Government Higher Secondary School, Tiruppur, the writ petitioner was directed to hold the additional charge of the said post and holding of an additional charge in the second post, will not confer any right on the writ petitioner. The post or status can never be claimed and shows the attitude of the writ petitioner in holding two posts in the same cadre. Thus, the very filing of the writ petition by the writ petitioner is to be deprecated.

4. In view of these facts, no further consideration is required in this writ petition. Accordingly, the writ petition stands dismissed. However, there is no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
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DPI Building, College Road,
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4. The Chief Educational Officer,
CEO Office,
Tiruppur.

+1cc to Mr.G.Harihara Arun Somasankar, Advocate, S.R.No.53859

+1cc to the Government Pleader, S.R.No.54592

W.P.No.16561 of 2017

BR(CO)
CS/11/08/17