



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A. (MD) Nos.1462 of 2015

M.Maragatha Valli

... Appellant

Vs.

1.The Joint Director of School Education
(Higher Secondary)

DPI Compound, College Road,
Chennai - 600 006..

2.The Chief Educational Officer,
Collectorate Campus,
Tirunelveli, Tirunelveli District.

3.The District Educational Officer,
Cheranmahadevi,
Opp. To Rathna Theatre,
Tirunelveli, Tirunelveli District.

4.The Correspondent,
Sokkalal Higher Secondary School,
Mukkudal, Tirunelveli District.

5.The Secretary,
Sokkalal Higher Secondary School,
Mukkudal, Tirunelveli District.

6.S.Sivasubramaniyan

.. Respondents

PRAYER :- Appeal has been filed under clause 15 of the letters patent, to set aside the order passed in W.P.(MD).No.18237 of 2015, dated 08.10.2015.

Prayer in WP(MD). 18237/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF MANDAMUS directing the 1st respondent to dispose the appeal dated 31.08.2015 preferred by the petitioner u/s.23 of the Tamil Nadu (Recognized) Private School Regulation Act, 1973.



For Appellant : Mr.C.Venkatesh Kumar

For Respondents : Mr.V.Muruganandham,
Addl. Govt. Pleader for R1 to R3.

Mr.Isaac Mohanlal,
learned Senior Counsel for
Mr.T.Cibi Chakraborty for R4 & R5.

For Respondent No.6 :No Appearance

JUDGMENT

[Judgment of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.C.Venkatesh Kumar, learned counsel appearing for the appellant and the learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.Issac Mohanlal, learned senior counsel assisted by Mr.T.Cibi Chakraborty, learned counsel for the respondents 4 & 5.

2.This appeal is directed against the order in W.P.(MD) No.18237 of 2015, dated 08.10.2015. The said writ petition was filed by the appellant / writ petitioner to direct the first respondent, namely, the Joint Director of School Education, to dispose of his appeal petition, dated 31.08.2015 preferred under section 23 of the Tamil Nadu (Recognized) Private School Regulations Act, 1973. The learned single Judge dismissed the said writ petition stating that only an aggrieved person can file an appeal under the said provision. As against, which, the appellant is before this Court.

3.Section 23 of the Act deals with the appeal against the order of punishment in the post of teachers and other persons employed in private schools. Admittedly, the appellant is not aggrieved by any order of punishment, but, he is aggrieved by non consideration of her candidature for promotion. Therefore, Section 23 of the Act would have no application. As rightly pointed out by the learned senior counsel for the management, if the appellant is aggrieved by any of the order passed by the authority or the management, he has to invoke the remedy available under Rule 15(4)(A) of the Rules, wherein, the appropriate authority would be the Joint Director of School Education.

4.We have perused the appeal petition and we find that apart from what is required to stated, the appellant stated certain other things which ought not to have been mentioned while filing an appeal. If the appellant is aggrieved by non consideration of her candidature, then, she should focus only on the said aspect



and not mention in the appeal petition certain other details which are not germane to the appeal. Therefore, the said appeal petition cannot be treated as appeal petition under Rule 15 (4) A of the Rules.

5. Accordingly, while affirming the order passed by the writ Court, we grant liberty to the appellant to prefer an appeal under Rule 15(4)(A) of the Rules, if so advised and if such appeal is filed, the first respondent shall consider the same after notice to the respondent management as well as to the teachers, who are presently working in the said School. It is made clear this Court has not gone into the merits of the contention raised by the appellant and it is for the appellate authority viz., the Joint Director of School Education to take note of. No costs.

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To

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(Higher Secondary)

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Cheranmahadevi,
Opp. To Rathna Theatre,
Tirunelveli, Tirunelveli District.

+1 cc to Mr. Ajmal Associates, Advocate in SR.No. 60268

+1 cc to Mr. T. Cibi Chakraborty, Advocate in SR.No. 60291

+1 cc to Special Government Pleader in SR.No. 60191

Skm/Arul

AE/SV MMS/SAR2/27.06.2017/3P/7C

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