



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.12750 of 2017

and

W.M.P. (MD) Nos.9857 and 9858 of 2017

M.Panimaya Suganthi

... Petitioner

vs.

1. The Director of School Education,
O/o. the Director of School Education,
DPI Campus, Chennai.
2. The Chief Educational Officer,
O/o. the Chief Educational Officer,
Tuticorin District.
3. The District Educational Officer,
O/o. the District Educational Officer,
Tuticorin District.
4. St.Aloysius Girls Higher Secondary School,
Rep. By its Correspondent,
Tuticorin-628 001.
5. Rev.Sister.Lizy,
PG Assistant (Chemistry)
St.Aloysius Girls Higher Secondary School,
Tuticorin-628 001,
Tuticorin District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of declaration, to declare the appointment of the 5th Respondent in the post of PG Assistant in Chemistry at the 4th Respondent School as illegal and violative of Rule 17-A(6) of the Tamil Nadu Recognized Private Schools (Regulation) Rules 1974 and consequently for a direction directing the Respondent No.1 to 4 to reinstate the petitioner in the post of PG Assistant in Chemistry at the 4th Respondent School with all consequential benefits within the time period stipulated by this Court.



For Petitioner

: Mr.T.Lajapathi Roy

For Respondents 1 to 3 : Mr.R.Karthikeyan

Additional Government Pleader

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O R D E R

By consent of both sides, this writ petition itself is taken up for final disposal.

2. This writ petition has been filed for a declaration to declare that the appointment of the 5th respondent in the post of PG Assistant in Chemistry at the 4th respondent School is illegal and violative of Rule 17A(6) of the Tamil Nadu Recognized Private Schools (Regulation) Rules 1974 and to direct the respondents 1 to 4 to reinstate the petitioner in the post of PG Assistant in Chemistry at the 4th respondent School with all consequential benefits within the time period stipulated by this Court.

3. Firstly, the said prayer for issuance of declaration of the appointment of the fifth respondent in the post of PG Assistant (Chemistry) in the fourth respondent School cannot be entertained, since the petitioner has to challenge the correctness of the order appointing the fifth respondent. As the order of appointment of the fifth respondent has not been challenged, this Court cannot entertain the prayer for issuance of declaration.

4. Secondly, the petitioner has admitted in his affidavit that after his appointment in the year 2014 as PG Assistant (Chemistry), she was relieved by the fourth respondent on 31.03.2015 and subsequently reinstated in the same post on 08.06.2015. While so, again, she was relieved on 22.04.2016, after a passage of 11 months. Even that order has not been challenged. Therefore, looking at the case of the petitioner, from any angle, the prayer cannot be entertained and the question of the correctness of the order of the fifth respondent is bereft of any merits. Hence, this writ petition fails and is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

To

1. The Director of School Education,
O/o. the Director of School Education,
B-1 Campus,
Chennai.



2. The Chief Educational Officer,
O/o. the Chief Educational Officer,
Tuticorin District.

3. The District Educational Officer,
O/o. the District Educational Officer,
Tuticorin District.

+1 cc to Mr.T.Lajapathi Roy , Advocate in SR.No. 64773

+1 cc to Special Government Pleader in SR.No.65007

Mrn/RR

AE/KP/SAR3/25.07.2017/3P/6C

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and

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