



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.6399 of 2017

and

W.M.P. (MD) .No.5029 of 2017

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The Secretary,
Nadar Saraswathi Higher Secondary School,
Theni, Theni District,

... Petitioner

Vs.

1.The Director of School Education,
College Road, Chennai - 600 006.

2.The Chief Educational Officer,
Theni, Theni District.

3.The District Educational Officer,
Periyakulam, Theni District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 2nd respondent Chief Educational Officer herein to accord permission to the petitioner forthwith to fill up the third post of Physical Education Teacher which had fallen vacant on 11.06.2010.

For Petitioner : Ms.S.Abisha Isaac

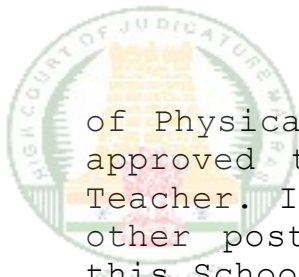
For Respondents : Mr.C.Selvaraj,
Special Government Pleader.

ORDER

This Writ Petition has been filed by the petitioner for issuing a Writ of Mandamus, directing the second respondent namely Chief Educational Officer to permit the petitioner to fill up the third post of Physical Education Teacher, which fell vacant on 11.06.2010.

2. Though, the prayer is to issue a positive direction to the second respondent, the learned counsel for the petitioner would submit that the petitioner will be satisfied if a direction is issued to the second respondent to consider and pass appropriate order on his representation dated 06.03.2017, and the earlier representation.

<https://hcservices.ecourts.gov.in/hcservices> This Court has gone through the affidavit filed in support of the Writ Petition. Having regard to the strength of students, the petitioner's school is entitled to have more number



of Physical Education Teachers, but the respondents have not even approved the appointment of third post of Physical Education Teacher. It is also brought to the notice of this Court, that four other posts of Physical Education Teacher are still vacant in this School.

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4. In the above circumstances, this Court having regard to the facts and circumstances of this case and the grievance of the petitioner, without expressing any opinion on the merits of the petitioner's case, this Court is inclined to pass the following direction.

4.1. The second respondent is directed to consider the representation of the petitioner dated 06.03.2017, in the light of the proposal submitted by the District Educational Officer on 05.09.2011, for the appointment of third post of Physical Education Teacher in the petitioner's school, and pass order on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. No Costs. Consequently, the connected W.M.P. (MD) No.5029 of 2017 is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Director of School Education,
College Road, Chennai - 600 006.
2. The Chief Educational Officer,
Theni, Theni District.
3. The District Educational Officer,
Periyakulam, Theni District.

+1 cc to Special Government Pleader, SR.No. 52528

+1 cc to Mr.T.Cibi Chakaraborthy, Advocate, SR.No. 52587

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17.04.2017**

cmr/gsp