

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.A.No.1558/2018 and
CMP.No.12585 of 2018

The Correspondent,
Avvai Home
TVR Girls Higher Secondary School,
No.41, Besant Avenue,
Adyar, Chennai-20. Appellant

Vs

1. G.Rajeswari
2. The Director of School Education,
Chennai-6.
3. The Chief Educational Officer,
Chennai-15.
4. The District Educational Officer,
Central Chennai-Saidapet,
Chennai-15.
5. K.Gunasundari Respondents

Prayer : Writ Appeal filed under Clause 15 of the Letter Patent
against the order dated 07.06.2018 made in W.P.No.26996/2013 by
a learned Single Judge. सत्यमेव जयते

WP.NO.26996/2013:

Writ Petition filed under Article 226 of the Constitution of
India for issuance of Writ of Certiorarified Mandamus to call
for the records pertaining to the order passed by the 4th
respondent in Proceedings No. Nil dt 3.10.2012 and quash the
same and direct the respondents to promote the petitioner as
P.G.Assistant (Economics) and confer all the consequential
benefits

For Appellant:: Mr.N.L.Rajesh,
Senior Counsel
for M/s.E.Jaya Sankar

For Respondents:: Mr.Singaravelan,
Senior Counsel M/s.R.Ramanlal for R1
Mr.K.Karthikeyan, G.A. for R2 to 4

JUDGMENT

(Judgment of the Court was pronounced by HULUVADI G.RAMESH, J.)

The Writ Appeal is directed against the order dated 07.06.2018 made in W.P.No.26996/2013 by a learned Single Judge.

2. The Writ Petition has been filed by the petitioner therein/1st respondent herein challenging the order passed by the 4th respondent in his Proceedings No. Nil dated 03.10.2012 and to quash the same and for consequential direction, directing the respondents to promote her as P.G. Assistant (Economics) and confer all the benefits. After hearing both sides, the learned Judge of this Court, by order dated 7.6.2018 allowed the said writ petition by setting aside the impugned order. Aggrieved over the same, the 4th respondent has preferred the present appeal.

3. Heard Mr.N.L.Rajesh, learned Senior Counsel appearing for the appellant and Mr.Singaravelan, learned Senior Counsel for the 1st respondent and Mr.K.Karthikeyan, learned Government Advocate for the respondents 2 to 4. We have also carefully gone through the typed set of papers including the order of the learned Single Judge.

4. In the operative portion of the order passed by the learned Single Judge, it has been stated that the selection or appointment of the 5th respondent therein, alleged to be made through direct recruitment, cannot be sustained at all and the case of the writ petitioner/1st respondent herein is to be considered on priority, as laid down by the statutory rule. Further, the respondents therein are directed to consider the case of the writ petitioner and promote her forthwith to the post of P.G. Assistant (Economics) in due compliance of Rule 15 (4) of the Tamil Nadu Recognised Private Schools (Regulation) Rules and accordingly by setting aside the impugned order dated 3.10.2012 of the 4th respondent therein, allowed the Writ Petition. Now, the grievance of the appellant/4th respondent in the Writ petition is that though a positive direction has been issued by this Court, the same has to be modified in such a way

that though a candidate is entitled for promotion instead of making him wait for a long time, the same should not be taken as a mandatory right, but depends upon the qualification and other eligibility criteria possessed by a candidate for the promotional post.

5. In view of the above, the respondents 2 to 4 herein are directed to consider the case of the 1st respondent for promotion to the post of P.G. Assistant (Economics) in accordance with law and also on the basis of the qualification and other eligibility criteria possessed by her for the promotional post, within a period of three months from the date of receipt of a copy of this Order.

6. With the above modification, the Writ Appeal is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Director of School Education,
Chennai-6.
2. The Chief Educational Officer,
Chennai-15.
3. The District Educational Officer,
Central Chennai-Saidapet,
Chennai-15.

+1cc to Mr.E.Jaya Sankar, Advocate sr.no.50885
+1cc to M/s.R.Ramanlal, Advocate sr.no.50309

W.A.No.1558/2018

nrl(co)
nr 05/09/2018