

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12-04-2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8760 of 2018

R.Balakrishnan

.. Petitioner

Vs.

- 1.The District Elementary Education Officer,
The District Elementary Education Office,
Krishnagiri.
- 2.The Assistant Elementary Education Officer,
Assistant Elementary Education Office,
Veppanapalli.
- 3.The Additional Assistant Elementary Education Officer,
Additional Assistant Elementary Education Office,
Veppanapalli. .. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondents to consider and pass orders on the representation dated 20.3.2018 made by the petitioner with regard to appointment of Headmaster in Elementary Schools and Middle Schools at Veppanapalli Block in accordance with pupil teacher ratio as per Right of Children to Free and Compulsory Education Act, 2009 and subsequent guidelines.

For Petitioner : Mr.V.Suthakar

For Respondents : Mrs.P.Rajalakshmi,
Additional Government Pleader.

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O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to consider the representation submitted by the writ petitioner on 20.3.2018 and pass orders with regard to the appointment of the Headmaster in Elementary Schools and Middle Schools at Veppanapalli Block in accordance with pupil teacher ratio as per Right of Children to Free and Compulsory Education Act, 2009 and subsequent guidelines.

2. The learned counsel, appearing on behalf of the writ petitioner, states that the writ petitioner is now working as B.T. Assistant (English) in Panchayat Union Middle School at Balanapalli Village, Veppanapalli Block, Krishnagiri District. Under the provisions of the Right of Children to Free and Compulsory Education Act, 2009, the Government of Tamil Nadu issued guidelines by way of executive instructions fixing the teacher pupil ratio in the Elementary School as well as for the Middle School etc. The guidelines issued in G.O.Ms.No.231, School and Education Department, dated 11.8.2010 stipulates certain terms and conditions.

3. The grievance of the writ petitioner is that the provisions of the Act are not followed by the competent authorities for the purpose of filling up the post of Headmaster both in Elementary and Middle Schools. The learned counsel for the petitioner is also of an opinion that the authorities competent are bound to implement in its letter and spirit and also the guidelines issued by the Government of Tamil Nadu in this regard. Since no actions are taken to fill up more than 85 vacancies of Headmasters, the writ petitioner has submitted the representation on 20.3.2018 to the authorities concerned and no action has been taken. Thus, the writ petitioner is constrained to move the present writ petition.

4. In paragraph-7 of the affidavit filed in support of the writ petition, it is stated that the students strength is lesser than the prescribed strength then the authorities have to ask senior most teacher either in Secondary Grade or B.T. Assistant or Tamil Pandit as the case may be, to hold the post of Elementary School Headmaster and Middle School Headmaster on in-charge basis. If the above method is followed the financial loss caused to the Government will be considerably reduced. Apart from that persons like the petitioner, who are senior most B.T. Assistant, will be asked to hold the post of Middle School Headmaster on in-charge basis.

5. Though varieties of reasons are stated in the affidavit, the copy of the representation submitted by the writ petitioner is absolutely silent in respect of the contentions set out in the affidavit. In the representation submitted by the writ petitioner on 20.3.2018, it is stated that as per the Act and the Government Orders, one Headmaster can be appointed for 150 students. As per the students strength in Veppanapalli Block, 3 Headmasters alone can be appointed. However, in violation of the Rules, excess Headmasters are appointed and a financial loss is created to the State Exchequer.

6. Though certain instances are narrated which are all common in nature in the representation, the writ petitioner has not established any cause of action in her grievance in relation to the service conditions. This Court is of an opinion that the writ petitioner is taking an attempt to indirectly get a promotion to the post of Headmaster (in-charge). A common cause is certainly to be considered in the interest of the public by the authorities concerned. However, the writ petitioner may not be an appropriate person to bring out these facts before this Court for the purpose of getting an order, so as to gain promotion or appointment to the post of Headmaster.

7. In respect of the services of the writ petitioner, if she is eligible and qualified for appointment or promotion, then her case should be considered in accordance with the Rules and in accordance with the seniority. No such allegations or grievances are set out in the representation submitted by the writ petitioner on 20.3.2018. In other words, the writ petitioner has not established any specific grievance or otherwise, so as to entertain the writ petitioner. In the absence of any grievance, this Court has to construe that no cause of action has been established. In the absence of any cause of action, no writ can be entertained for issuance of a direction to consider the representation. Thus, it is a pre-condition that the legal right should be established for entertaining the writ petition.

8. In this view of the matter, the direction, as such, sought for by the writ petitioner in this writ petition cannot be granted and accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

svn

To

- 1.The District Elementary Education Officer,
The District Elementary Education Office,
Krishnagiri.
- 2.The Assistant Elementary Education Officer,
Assistant Elementary Education Office,
Veppanapalli.

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3.The Additional Assistant Elementary Education Officer,
Additional Assistant Elementary Education Office,
Veppanapalli.

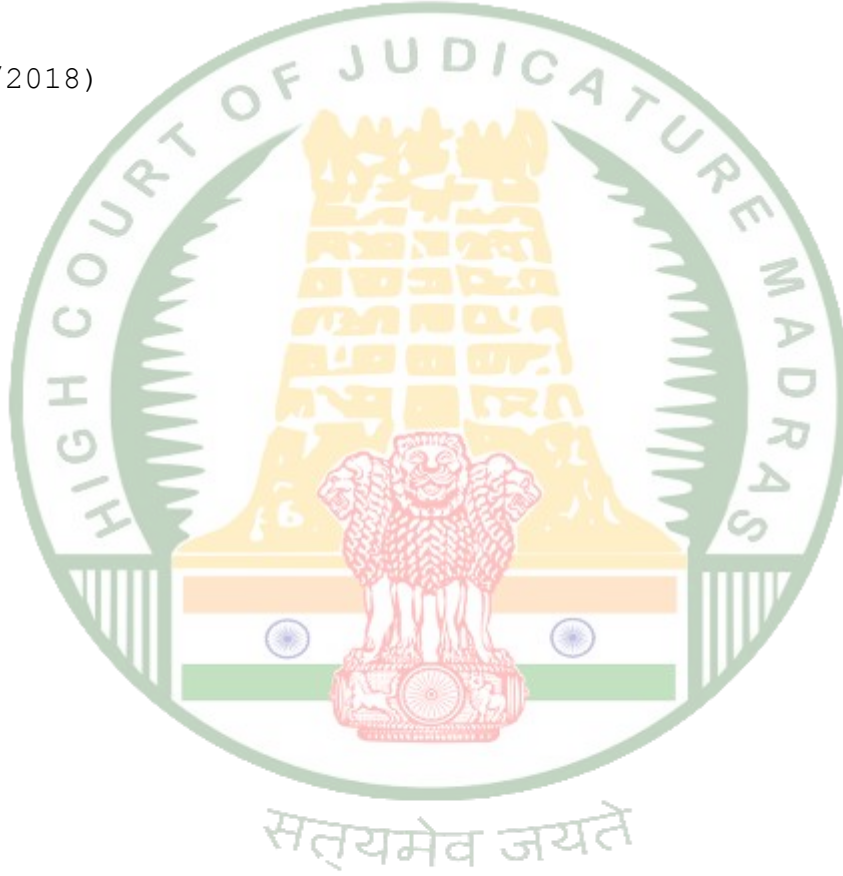
+1cc to Mr.V.Suthakar, Advocate, S.R.No.27493

+1cc to The Government Pleader S.R.No.27712

W.P.No.8760 of 2018

SSV(CO)

RRK(17/05/2018)



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