

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.23596 of 2015
and
W.M.P.No. 1 of 2015

R.Nallasamy

.. Petitioner

Vs

1. State rep. By
The Secretary to Government,
School Education Department,
Fort St. George,
Chennai-600 009.
2. The District Educational Officer,
Gobichettipalayam,
Erode District.
3. The Secretary,
Sakthi Higher Secondary School,
Nachimuthupuram,
Sakthinagar-638 315,
Antiyur Taluk,
Erode District.

4. M.Devi

.. Respondents

PRAYER : Petitions filed under Article 226 of the Constitution of India to issue of Writs of Certiorarified Mandamus, to call for the records of the 3rd respondent orders passed Na.Ka.No.14/ESTA/2015 dated 02.07.2015 and quash as illegal, arbitrary and unlawful and consequently direct the 3rd respondent to consider and appoint the petitioner to the post of Junior Assistant.

For Petitioner : Mr.V.S.Mahakrishnan

For Respondents : Mr.K.Karthikeyan, for R1 & R2
Government Advocate
Mr.K.Sathishkumar, for R3
No appearance, for R4

O R D E R

The order of rejection, issued by the third respondent in proceeding dated 02.07.2015, in relation to the claim of the writ petitioner for appointment to the Post of Junior Assistant, is under challenge in this writ petition.

2.The learned counsel appearing for the writ petitioner made a submission that the 4th respondent was appointed directly as Junior Assistant, without considering the case of the writ petitioner for promotion to the post of Junior Assistant and his case was considered without any valid reasons.

3.The learned counsel appearing on behalf of the third respondent opposed the contention by stating that the merits and eligibility criteria are assessed by the third respondent management and in view of the fact that there are no suitable persons available in service in the school, they have recruited the fourth respondent from the open market and appointed her as Junior Assistant.

4.The learned Government Advocate on behalf of the respondents 1 and 2 also has stated that as against the order of the third respondent School, the writ petitioner has to prefer an appeal under the provisions of the Act before the competent authority.

5.The learned counsel for the petitioner states that the Government has filed a counter in favour of the writ petitioner. If so, it is left open to the writ petitioner to approach the competent authority under the provisions of the Act, for appropriate remedy in the manner known to law. Exhausting the remedy provided under the statute is also an important factor, and without exhausting the appeal remedy, which is efficacious one for the aggrieved persons to redress this grievance before the appellate authority, the petitioner cannot approach this Court in a routine manner. Under these circumstances the writ petitioner is at liberty to approach the competent authority for redressal of his grievances in the manner known to law.

5.With these observation, the writ petition stands disposed of. Consequently, connected miscellaneous petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
School Education Department,
Fort St. George,
Chennai-600 009.

2. The District Educational Officer,
Gobichettipalayam,
Erode District.

+1cc to Mr.V.S.Mahakrishnan, Advocate Sr.47707
+1cc to Mr.K.Sathishkumar, Advocate Sr.47659
+1cc to the Government Pleader Sr.48479

W.P.No.23596 of 2015
and
W.M.P.No. 1 of 2015

ev[co]
srg 7/8/2018

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