

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.33513 of 2015

Periyasaamy Aided Middle School,
Rep. by its correspondent/Secretary,
G.Kalavathi,
Mettur Main Road,
Ammamet-638311,
Bhavani Taluk,
Erode District.

...Petitioner

Vs.

1. The Joint Director of School Education,
(Aided),
Directorate of Elementary Education,
College Road,
Chennai - 600 006.
2. The District Elementary Educational Officer,
Old Railway Station Road,
Erode.
3. The Assistant Elementary Educational Officer,
Ammamet-638311,
Erode District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order dated 21.09.2015, made in Na. Ka. No.021443/F2/2015 passed by the 1st respondent, Quash the same and consequently direct the 1st respondent to grant permission to fill up the one vacancy in the post of Physical Education Teacher by considering the recommendations dated 01.07.2013, 13.12.2013, 14.02.2014 and 06.05.2015 made by the 3rd respondent as well as the representations dated 10.07.2012, 27.06.2013, 13.02.2014 and 28.04.2015 submitted by the petitioner school.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.Karthikeyan,
Government Advocate

O R D E R

The grievances of the writ petitioner-School is that the appointment made by the Management in respect of the post of Physical Education Teacher was rejected. The petitioner's School is an aided non-minority Institution and Physical Education Teacher was appointed in retirement vacancy. However, the proposal submitted in this regard for approval of an appointment has been rejected on the ground that the students strength in the petitioner's School was lesser than the norms prescribed by the Government for grant of approval.

2.The learned counsel appearing on behalf of the writ petitioner states that during the current academic year there is an increase in the students strength, and therefore, the case of the Physical Education Teacher has to be re-considered. The learned counsel for the petitioner further states that during the pendency of the writ petition, the students strength increased in the petitioner's School, and therefore, the School is entitled to appoint one Physical Education Teacher even as per the Government norms. In view of the changed factual circumstances, the case of the writ petitioner is to be re-considered in the light of the norms prescribed by the Government. The petitioner has already sent a representation in this regard to the Competent Authorities on 03.01.2018. Thus, the first respondent is directed to consider the representation submitted by the writ petitioner on 03.01.2018, taking note of the changed circumstances, pass orders on merits, and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

3.The writ petitioner is directed to enclose the copy of the representation and all other relevant orders, if any, along with the order passed in the writ petition.

4.Accordingly, this writ petition stands disposed of. No costs.

Sd/-

Deputy Registrar

// True Copy//

Sub Assistant Registrar

mbi/kp

To

1. The Joint Director of School Education,
(Aided),
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2. The District Elementary Educational Officer,
Old Railway Station Road,
Erode.
3. The Assistant Elementary Educational Officer,
Ammamet-638311,
Erode District.

+1cc to Mr.N.Manokaran, Advocate, sr.no.63313

+1cc to The Government Pleader, sr.no.63821

RMP (27/09/2018)

W.P.No.33513 of 2015



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