

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22664 of 2013

and

M.P.No. 2 of 2013

V.Shakinthar

... Petitioner

-vs-

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

2. The District Educational Officer,
Thirupathur,
Vellore District.

3. The Head Master and Correspondent,
Concordia Higher Secondary School,
Ambur,
Vellore District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in Na.Ka.No.2694/A4/2013 dated 28.06.2013 and quash the same as illegal and invalid and consequentially direct the 2nd respondent to approve the promotion and appointment of the petitioner as per the order dated 17.09.2012 issued by the 3rd respondent.

For Petitioner

:: Mr.T.S.Baskaran

For Respondents

:: Mr.K.Karthikeyan

Government Advocate.

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O R D E R

The proceedings issued by the second respondent dated 28.06.2013 is under challenge in this writ petition.

2. The petitioner was appointed as Secondary Grade Teacher on 23.04.1994 in Concordia Higher Secondary School, Ambur. The petitioner claims that he was appointed in regular sanctioned post and he was fully qualified to hold the post. The

school management/third respondent sent a proposal for the approval of appointment of the writ petitioner. However, the District Educational Officer in proceedings dated 28.06.2013 (impugned) returned the proposal by stating that the defects already notified by the competent authority have not been complied with and further, it is stated that the revised proposal is to be sent after complying with the defects already informed through the school management. Thus, the school management is bound to rectify the errors in the proposal and to clarify the explanations sought for by the competent officials and thereafter submit the revised proposal seeking approval of the writ petitioner.

3. The learned counsel for the writ petitioner now states that the defects were already rectified and revised proposal were already submitted. If the revised proposal were submitted clarifying the queries raised by the Chief Educational Officer, then it is left open to the authorities to reconsider the revised proposal and take appropriate decision, pass orders and inform the same to the parties concerned. This apart, the impugned proceeding is not an order of rejection or otherwise passed by the competent authorities. It is only a communication sent by the District Educational Officer to the Correspondent/third respondent school seeking certain clarifications. Seeking the clarifications for the purpose of complying with the rules and regulations and the same cannot be construed as a grievances for the purpose of moving the present writ petition. Thus, the impugned order did not constitute any cause of action for the purpose of filing the present writ petition by the writ petitioner, who is already working as a teacher.

4. In this view of the matter, the grounds raised in this writ petition cannot be considered and it is left open to the competent authorities to consider the revised proposal if any, submitted by the third respondent school and pass appropriate orders on merits and in accordance with law.

5. With these observations, the writ petition stands dismissed. Consequently, the connected miscellaneous petition is closed. However, there is no order as to costs.

Sd/-

Assistant Registrar(CS-)

//True Copy//

Sub Assistant Registrar

msv

To

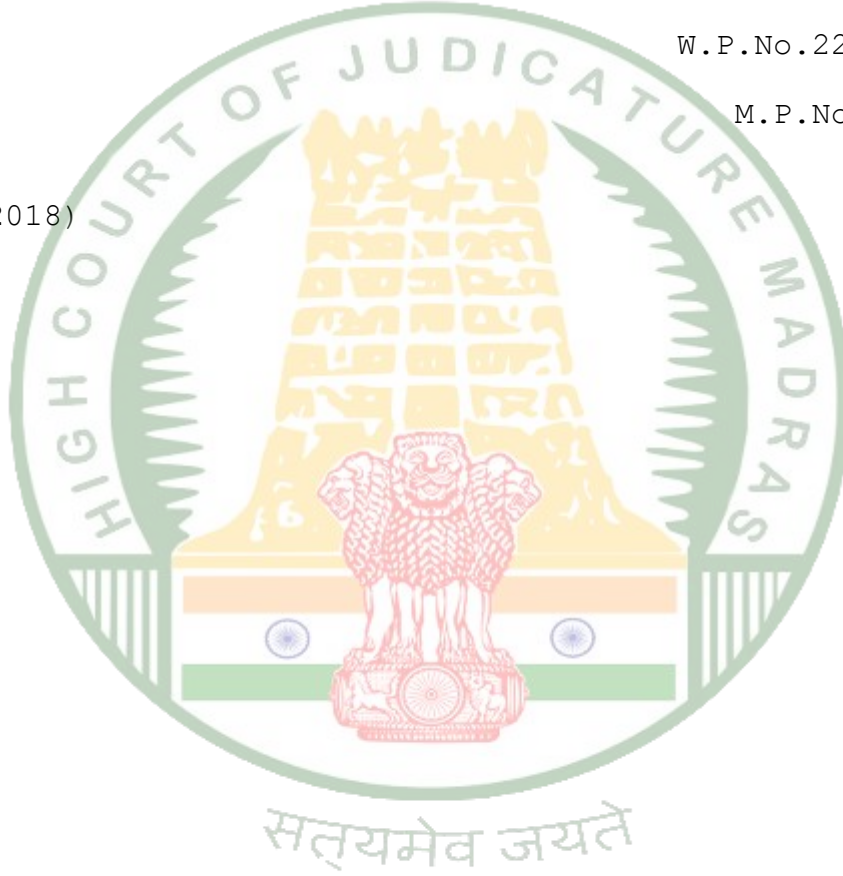
1.The Director of School Education
College Road,
Chennai - 600 006.

2. The District Educational Officer,
Thirupathur,
Vellore District.

+1cc to Mr.T.S.BASKARAN, Advocate, S.R.No.41591

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TR(11/07/2018)



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