

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 06.09.2018
CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
W.P.No.261 of 2016
and W.M.P.Nos.150 & 1535 of 2016

K.Tamilselvi

...Petitioner

Vs.

1.The Chief Educational Officer,
Cuddalore District, Cuddalore.

2.The District Educational Officer,
Cuddalore, Cuddalore District.

3.The Deputy Director,
Professional and Executive Employment Office,
Guindy,
Chennai - 600 032.

4.The Secretary,
R.C.T. Higher Secondary School,
Chidambaram - 608 001,
Cuddalore District.

5.The Head Master,
R.C.T. Higher Secondary School,
Chidambaram - 608 001,
Cuddalore District.

6.Princy Jebasteen

..Respondents

Prayer : The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1,2,4 and 5 from allowing the 6th respondent to join duty in the post of Physical Director in the 4th and 5th respondents' school, consequently directing the 1st and 2nd respondents to conduct fresh interview for filling up the post of Physical Director in the 4th and 5th respondents' school.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.P.Raja,
Government Advocate (for R1 to R3)
Mr.S.Sithirai Anandan (for R4 & R5)
Ms.SA.Kanmani
for M/s.AL.Ganthimathi (for R6)

O R D E R

The relief sought for in this Writ Petition is to forbear the respondents 1, 2, 4 and 5 from allowing the 6th respondent to join duty in the post of Physical Director in the 4th and 5th respondents' school and consequently direct the respondents 1 and 2 to conduct fresh interview for the post of Physical Director in the 4th and 5th respondents' school.

2.The learned counsel for the writ petitioner states that the 6th respondent was erroneously selected by the respondents 4 and 5 for appointment to the post of Physical Director. The 6th respondent is the close relative of the Secretary of the school and without following the procedures contemplated under the Private School Regulations Act, the appointment was made and therefore, the competent authorities are bound to initiate an enquiry in respect of all such irregularities and illegalities in appointment.

3.The learned counsel appearing on behalf of the 6th respondent vehemently contended that the 6th respondent is fully qualified for appointment to the post of Physical Education Teacher. The selection was conducted in accordance with the procedures contemplated. There was no irregularity in the appointment of the 6th respondent as Physical Education Teacher in the school. Thus, the writ petitioner being the candidate who was not selected has filed the present writ petition without substantiating the grounds raised. Thus, the Writ Petition is liable to be rejected.

4.The learned Government Advocate appearing on behalf of the official respondents made a submission that undoubtedly the 4th and 5th respondents' school are bound to follow the procedures contemplated under the Act and Rules. The management of the school is duty bound to conduct the selection procedures in accordance with the guidelines provided by the department also. In respect of selection and appointment, guidelines are also issued and private aided schools are bound to follow the same scrupulously while undertaking the process of selection for the appointment to the post of Physical Education Teacher.

5.In view of the disputed facts raised by the respective parties to the lis on hand, this Court is of an opinion that the Chief Educational Officer who is the competent authority under the Act to conduct the enquiry and verify the mode of selection and the procedures followed by the respondents 4 and 5 for the appointment to the post of Physical Education Teacher and accordingly, pass appropriate orders on merits and in accordance with law. It is needless to state that in the event of any illegality or irregularity, the selection has to be cancelled.

In the event of the fact that the procedures are valid in accordance with law, then the appointment is to be confirmed. Accordingly, the 1st respondent is directed to conduct an enquiry in relation to the appointment of the 6th respondent as Physical Education Teacher and pass orders on merits and in accordance with law by affording reasonable opportunity to all the parties concerned within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

gsa/vjt

To

1. The Chief Educational Officer,
Cuddalore District,
Cuddalore.
2. The District Educational Officer,
Cuddalore,
Cuddalore District.
3. The Deputy Director,
Professional and Executive Employment Office,
Guindy,
Chennai - 600 032.

+1cc to Mr. S.Sithiraj Anandam, Advocate, S.R.No. 61834
+1cc to Mr. C.Prakasam, Advocate, S.R.No. 62190
+1cc to Mr. AL.Gandhimathi, Advocate, S.R.No. 61993
+1cc to the Government Pleader, S.R.No. 62121

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VD(CO)
GN(20/09/2018)