

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.11.2018

CORAM

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

W.P. No.29087 of 2018 and WMP No.34014 of 2018

V.Arivazhagan

..... Petitioner

Vs

1. The Director of School Education,
College Road, Chennai - 6.
2. The Chief Educational Officer,
Thiruvarur.
3. The District Educational Officer,
Mannarkudi, Thiruvarur District.
4. The Secretary,
Thirumurugan High School,
Melavasal, Mannargudi,
Thiruvarur District.
5. The Secretary,
Thirumurugan Elementary School,
Melavasal, Mannargudi,
Thiruvarur District

..... Respondents

PRAYER Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the 2nd respondent to consider and pass orders on the representation of the petitioner dated 22.05.2018, with regard to his claim for appointment as B.T.Assistant (Maths), in the vacancy caused in the 4th respondent school with continuity of service and other attendant benefits as per Rule 15(4) (ii)(b) of the Tamil nadu Recognised Private School (Regulation) Rules, 1974.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mrs.P.Kavitha

Government Advocate for R1 to R3

O R D E R

It appears that the petitioner had earlier approached this Court vide WP No.22248 of 2018 which was dismissed on the ground that the petitioner seeking promotion has no right as the schools are different but the petitioner in the meanwhile, having filed a representation on the ground that he is seeking an appointment being from different school and the Rule being prescribing the fact, that such an appointment is permissible and only in the event no qualified candidate from different school is available, the same can be filled up by direct recruitment and the petitioner in this regard has made representation dated 22.05.2018 and as such, come to this Court seeking a direction to dispose of his representation, notwithstanding the rejection of the earlier prayer made, inasmuch as that was related to a case of promotion.

2. The learned counsel appearing for the petitioner submits that though the earlier prayer of the petitioner challenging the impugned order was rejected holding that the petitioner case was one of promotion but the Rule providing that in the absence of any candidate being available in the same school for promotion, the same can be filled up on appointment from different school and only in the event of non-availability of such candidate, the same can be filled up recruitment and the petitioner in this case having made a representation to consider his case for appointment from different school, in view of rules, regulations and G.O.(Ms) No.15, dated 01.01.1971 Education Department, this Court may direct the respondents to consider such representation.

3. Mrs.P.Kavitha, learned Government Advocate accepts notice for respondents submits that if there is no impediment in law to consider such representation, they have no objection to consider the same in accordance with law, within a reasonable period but this Court should not put any fetter on the respondents to consider the representation of the petitioner in any particular manner.

4. Considering the facts and submissions made, this Court therefore, dispose of this writ petition at the stage of admission with a direction to the 2nd respondent to take an informed and considered decision on such representation of the petitioner addressing the rules, regulations and G.O.(Ms) No.15, dated 01.01.1971 Education Department within a period of four weeks from the date of receipt of copy of this order, notwithstanding the disposal of the writ petition, inasmuch as, the same relates to denial of filling up of the post by promotion held to be just and proper but the case of the present petitioner is that he seeks appointment from any other school.

5. With the aforesaid direction, this writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is also closed.

s/d-
Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

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To

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Thiruvarur District

+1 CC to Mr.S.N.Ravichandran, Advocate sr 75541.
+1 CC to Govt. Pleader sr 76785.

सत्यमेव जयते

W.P. No.29087 of 2018

SPD (CO)
SP (22/11/2018)

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