



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

WEB COPY

W.P (MD) No.2540 of 2018

and

WMP (MD) No.2750 of 2018

M.Vijay

... Petitioner

Vs.

1.The Joint Director of School Education
(Higher Secondary),
College Road, Chennai.

2.The District Educational Officer,
Trichy District, Trichy.

3.The Correspondent,
ST.Philomena's Girl's Hr.Sec.School,
Melaputhur, Trichy-1.

4.Dushman Bastin

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 1 to 3 to promote the petitioner as a Record Clerk in the third respondent school on the basis of his seniority instead of the fourth respondent.

For petitioner

: Mr.T.Vadivelan

For respondents

: Mr.K.Saravanan,
Government Advocate for R1&R2

No appearance for R3 & R4

ORDER

The petitioner is working as an Office Assistant in the third respondent school for over 32 years. The Record Clerk post has fallen vacant. As per the relevant provisions, S.S.L.C., completed is the qualification prescribed for the post. The petitioner is possessing the said qualification. As per Rule 15(4) of the Tamil Nadu Recognized Private Schools (Regulations) Rules, 1974, the petitioner being an in service candidate, is entitled to be considered for the said post.



on grounds of merit and ability, seniority being considered only when merit and ability are approximately equal. It appears that the fourth respondent was temporarily promoted as Record Clerk without even considering the petitioner.

3.This is clearly illegal and contrary to Rule 15(4) of the Tamil Nadu Recognized Private Schools (Regulations) Rules, 1974. Therefore, the third respondent is directed to conduct a fresh selection for the post of Record Clerk and consider the case of the petitioner also. The selection process shall be conducted in terms of the above said Rule. The entire process shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

4.This writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub-Assistant Registrar

To

1.The Joint Director of School Education
(Higher Secondary),
College Road, Chennai.

2.The District Educational Officer,
Trichy District, Trichy.

3.The Correspondent,
ST.Philomena's Girl's Hr.Sec.School,
Melaputhur, Trichy-1.

+1cc to The Special Government Pleader, SR.No.56288
+1cc to Mr.T.Vadivelan, Advocate, SR.No.55833

SKM

RL/6C/2P/KK/SAR1/27/4/2018

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