



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.3201 of 2018

Shanmuga Gomathi

... Petitioner

Vs.

1. The Secretary,
Meenakshisundaram Memorial
Higher Secondary School,
Idaikal (via),
Tenkasi,
Tirunelveli District.

2. The Chief Educational Officer,
Tirunelveli.

3. The District Educational Officer,
Tenkasi,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to promote the petitioner as Tamil Teacher.

For Petitioners	:Mr.M.Alagappan
For R1	:Mr.S.Mani
For R2 and R3	:Mr.K.Saravanan
	Government Advocate

ORDER

By consent of both parties, the writ petition is taken up for disposal at the admission stage itself.

2.The petitioner is working as a Junior Grade Drawing Teacher in the first respondent school. A vacancy has arisen in the post of B.T Assistant (Tamil). The petitioner's case is that she is possessing requisite educational qualification for being appointed to the said post. She would also contend that as per Rule 15(4) of the Tamil Nadu Private Schools (Regulation) Rules, 1974. She being an in-service candidate has fundamental right to be considered for being appointed to the said post.



3.The learned Standing Counsel appearing for the school management would submit that even though the said post is vacant, the school management is yet to obtain permission from the Director of School Education for filling up the said vacancy. It appears that the school management wants to secure prior permission, even though such permission is not required to be obtained.

4.The learned counsel would further point out that there were some issues regarding the management of the school and the same has been resolved. As and when the school management takes steps to fill up the said vacancy, the case of the petitioner would definitely be considered in terms of the Rule 15 of the Tamil Nadu Private Schools (Regulation) Rules, 1974

5.Recording the said submission, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(w)

/True Copy/

Sub Assistant Registrar

To

1. The Chief Educational Officer,
Tirunelveli.
2. The District Educational Officer,
Tenkasi,
Tirunelveli District.

+1cc to Spl.Government Pleader Sr.No.56286
+1cc to Mr.M.Alagappan, Advocate Sr.No.55822
+1cc to Mr.S.Mani, Advocate Sr.No.55811

RMI

VB/SKN/RSK/SAR3/20.04.2018/2P/6C

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