



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.401 of 2018

S.S.Vijith Sekar

... Petitioner

Vs.

- 1.The Secretary,
Government of Tamil Nadu,
Department of School Education,
Fort Sain George, Chennai - 9.
- 2.The Director of Elementary Education,
College Road, Chennai - 6.
- 3.The District Elementary Educational
Officer,
Kuzhithurai, Kanyakumari District.
- 4.The Assistant Elementary Educational
Officer,
Kuzhithurai, Kuzhithurai P.O.,
Kanyakumari District.

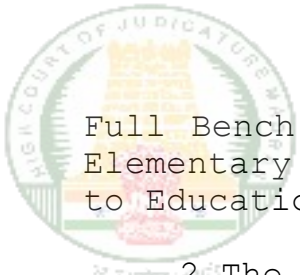
... Respondents

Prayer: Writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents to grant approval for the appointment of the secondary grade teacher viz., S.S.Sheela Sekar by considering the final representation of the petitioner school dated 24.01.2017.

For petitioner : Mr.M.P.Senthil
For Respondents : Mr.M.Jeyakumar,
Addl. Government Pleader

ORDER

The petitioner is a middle school. It is having aid up to Class V. Originally, two posts were sanctioned. Subsequently, following the issuance of G.O.Ms.No.317 dated 25.07.1997 two more additional teachers were sanctioned for the petitioner's school. Based on the same, one S.S.Sheela Sekhar was appointed as a Secondary Grade Teacher on 05.03.1998. But, then, the additional sanction of two teachers was recalled in the year 2002. As a result, the appointment of the said Sheela Sekhar could not be approved. The petitioner has filed the present writ petition by invoking the subsequent developments namely, the decision of the



Full Bench of this Court reported in 2006 (5) CTC 385 (Director of Elementary Education v. S.Vigila) and the provisions of the Right to Education Act.

2. The learned counsel appearing for the petitioner submits that the school has bilingual medium and that education is imparted both in Tamil as well as the Malayalam. He therefore wanted this Court to direct the respondents to grant approval of the said Sheela Sekhar with effect from 05.03.1998.

3. Per contra, the learned Special Government Pleader appearing for the respondents would contend that recent inspection of the school by the Education Department authorities revealed that hardly 24 students are studying in the school. Already two sanctioned teachers are working and that therefore it is not possible for the department to grant sanction to the appointment of one more teacher and that too with effect from 05.03.1998.

4. This Court will have to reject the contention raised by the learned counsel appearing for the petitioner. A learned Judge of this Court in the decision reported in 2013 1MLJ 335 (Elizabeth Rani vs. Board of Elementary Education) considered the very same contentions now raised by the writ petitioner and chose to dismiss the writ petition. This Court cannot lose sight of the fact that as per the inspection report of the Department, there are only 24 students studying in the school. The petitioner would however contend that 81 students are studying in the school. Without going into the said disputed issue, one can safely conclude that admittedly there are only two sanctioned teacher posts in the said school.

5. Therefore, the request made by the petitioner cannot be accepted. There is no merit in this writ petition. It stands dismissed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
Government of Tamil Nadu,
Department of School Education,
Fort Sain George, Chennai - 9.

2. The Director of Elementary Education,
College Road, Chennai - 6.



3.The District Elementary Educational Officer,
Kuzhithurai, Kanyakumari District.

4.The Assistant Elementary Educational Officer,
Kuzhithurai, Kuzhithurai P.O.,
Kanyakumari District.

+1cc to M/S.M.P.Senthil, Advocate SR.No. 47984
+1cc to Special Government Pleader, SR.No. 48645

W.P. (MD) No.401 of 2018

skm
JM/SKN RSK/SAR 2/28.03.2018/3P/7C