



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 26.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.988 of 2018

and

W.M.P. (MD) .No.1029 of 2018

K.Packialakshmi

...Petitioner

Vs.

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

2.The District Educational Officer,
Aruppukottai,
Virudhunagar District.

3.The Secretary,
SBK Higher Secondary School,
Kalloorani, Aruppukottai,
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order of the third respondent passed in his proceedings dated 09.08.2017 and set aside the same as illegal, consequently, directing the third respondent herein to consider the petitioner's request for promotion to the post of P.G. Assistant (Tamil) based on the representation given by the petitioner dated 26.07.2017.

For Petitioner : Mr.D.Srinivasa Raghavan

For Respondents : Mr.J.Gunaseelan Muthiah(for
R1 & R2)

Additional Government Pleader

: Mr.Paneer Selvam for R3

ORDER

Heard the learned counsel on either side.

2.By consent of both parties, the main Writ Petition itself is taken up for final disposal.

3.The petitioner is presently working as a BT Assistant (Tamil) in the third respondent school. She was initially appointed as a Secondary Grade Teacher. Now a vacancy in the post of P.G. Assistant (Tamil) has arisen. The petitioner contends that she is eligible to be considered for the said post and



invokes Rule 15 of the Tamil Nadu Recognised Private School (Regulations) Rules, 1974, in her favour. The petitioner gave a request in this regard. But the management rejected her request on the ground that there is nothing on record to show that the petitioner acquired M.A., and B.Ed., after getting prior permission. The management's specific stand is that the higher qualification said to be possessed by the petitioner have not been entered into her Service Register. This is assailed in this Writ Petition.

4.This Court is of the view that the management will not be justified in negating the petitioner's request on such grounds. The management must see if the petitioner is really possessing the requisite educational qualifications. The petitioner is permitted to make a fresh representation to the management setting forth with her qualifications. It is for the management to verify if really the petitioner is possessing the eligibility qualifications required for being promoted to the post of P.G. Assistant(Tamil). The management of course cannot decline on the ground of non incorporation of the details of the SR and the non obtaining of the prior permission. The order impugned in the Writ Petition stands quashed.

5.The third respondent is directed to pass orders on the petitioner's representation within a period of three weeks from the date of submission of the such representation.

6.The Writ Petition stands partly allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/
Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

TO

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

2.The District Educational Officer,
Aruppukottai, Virudhunagar District.

+1cc to M/s.Special Government Pleader,SR.No. 51621

+1cc to Mr.D.SRINIVASA RAGHAVAN, Advocate, SR.No. 51099

+1cc to Mr.V.PANNEER SELVAM, Advocate, SR.No.51379

W.P.(MD).No.988 of 2018
26.02.2018

TSG

KK/SV MMS/SAR-3/22.05.2018/2P-6C