



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.11884 of 2018

The Muslim Higher Secondary School,
114, Nethaji Road,
Melapalayam,
Tirunelveli - 5
Represented by its
Secretary & Correspondent,
Al-Haj.M.A.S. Mohamed Abubacker

...Petitioner

Vs.

- 1) The Secretary to Government,
Education Department,
State of Tamil Nadu,
Secretariat,
St.Fort George,
Chennai 600 009
- 2) The Director of School Education,
College Road,
Chennai 600 006
- 3) The Chief Educational Officer,
Tirunelveli.
- 4) The District Educational Officer,
Tirunelveli.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to sanction additional staff as claimed by the school within stipulated time by considering our representation dated 28.02.2018.

For Petitioner : Mr.T.A.Ebenezer
For Respondents : Mr.D.Muruganandham,
Additional Government Pleader.

O R D E R

The prayer sought for in this Writ Petition is for a Writ of Mandamus, directing the 2nd respondent to sanction additional staff as claimed by the School, within the stipulated time, by considering the petitioner's representation dated 28.02.2018.



2. Heard Mr.T.A.Ebenezer, learned counsel appearing for the petitioner and Mr.D.Muruganandham, learned Additional Government Advocate appearing for the respondents.

3. Learned counsel appearing for the petitioner would submit that, the petitioner School is a minority School and based on the student strength, it is in need of 25 staff. Therefore, in order to sanction the necessary Teaching and Non-teaching staff, the petitioner School had given a detailed representation dated 28.02.2018 and if the said representation is directed to be considered on merits and in accordance with law and an order to that effect is directed to be passed, within the time frame that may be stipulated by this Court, the petitioner would be satisfied.

4. I have heard Mr.D.Muruganandham, learned Additional Government Pleader appearing for the respondents, who would submit that, the said representation of the petitioner School dated 28.02.2018 shall be considered by the second respondent, who is the Competent Authority with regard to the sanctioning of Teaching and Non-teaching staff, on merits and in accordance with law and the order shall be communicated to the petitioner School, within the time frame, that may be fixed by this Court.

5. Considering the limited scope of the prayer sought for in this Writ Petition, this Writ petition is disposed of with the following direction:

"that the second respondent is directed to consider the representation of the petitioner dated 28.02.2018, with regard to the sanctioning of staff (Teaching and Non-teaching) in commensurating with the students strength of the petitioner School and pass orders thereon on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order."

6. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

- 1) The Secretary to Government,
Education Department,
State of Tamil Nadu,
Secretariat,
St. Fort George,
Chennai 600 009



2) The Director of School Education,
College Road,
Chennai 600 006

3) The Chief Educational Officer,
Tirunelveli.

4) The District Educational Officer,
Tirunelveli.

+ 1 CC TO Mr.T.A.EBENEZER, ADVOCATE IN SR No. 66850

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 66942

STS

TE/SB/SAR-3 : 26/06/2018 : 3P/7C

Order made in
W.P. (MD) No.11884 of 2018
05.06.2018