



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2018

CORAM:

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.8988 of 2014
and
M.P.(MD)No.1 of 2014

G.Kothainayaki

... Petitioner

-Vs-

1. The District Elementary Educational Officer,
Tirunelveli District, Tirunelveli.
2. The Assistant Elementary Educational Officer,
Palai Region, Tirunelveli District.
3. The Secretary,
Ganeshamoorthy Middle School,
Keelveeraragavapuram,
Tirunelveli.
4. E.Lakshmi.

... Respondents

Prayer: Writ Petitions are filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 10.09.2013 vide Na.Ka.No.4350/Aa3/2013 passed by the first respondent and quash the same and consequently direct the respondents 1 to 3 to promote the petitioner to the post of Headmistress of the third respondent school with effect from 15.05.2013.

For Petitioner : Mr.V.Angusamy
For R1 & R2 : Mr.M.Muthu,
Additional Government Pleader.

ORDER

The relief sought for in the writ petition is to call for the records in pursuant to the order dated 10.09.2013 passed by the first respondent and direct the respondents 1 to 3 to promote the petitioner to the post of Headmistress of the third respondent school with effect from 15.05.2013.

2.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner was appointed as



Secondary Grade Teacher on 01.10.1988. The father of the writ petitioner was the correspondent of the school and the next promotion for the writ petitioner is to the post of the Headmaster of the school. The petitioner claims that she is the senior most candidate in the school. There are 13 other teachers working in the said school. The father of the writ petitioner passed away in the year 1996 and there were some disputes aroused in respect of the management of the school and separate civil litigations are pending in this regard. However, it is brought to the notice of this Court that the writ petitioner was not qualified at the time of consideration for promotion to the post of Headmaster of the school.

3.The learned Additional Government Pleader appearing on behalf of the respondents 1 and 2 relying on the counter affidavit filed by the first respondent has stated that the fourth respondent promoted as Headmistress of the school as early as 12.09.2012 and the writ petitioner herself admitted that she acquired Bachelor of Literature Degree only on 30.04.2013. Thus, at the time of the promotion of the fourth respondent as Headmistress, the writ petitioner was not even qualified and she acquired degree only on 30.04.2013, more specifically, after the promotion of the fourth respondent. This being the factum of the case, the name of the writ petitioner cannot be considered.

4.This apart, the learned Additional Government Pleader states that the fourth respondent possess the requisite educational qualifications to hold the post of the Headmistress of the school. The fourth respondent is possessing B.Lit. Degree and Training certificate. As per G.O.No.1228, Education, Science and Technology Department, dated 10.12.1994, the Joint Director of Elementary Education, Chennai, is the appellate authority. However, the writ petitioner has not exhausted the appeal remedy, which is yet another ground raised by the respondents 1 and 2.

5.May that it be, the point to be considered in the writ petition is that whether the writ petitioner is qualified as on the date of consideration or preparation of panel for promotion to the post of Headmistress. Even as per the own admission of the writ petitioner, she had completed B.Lit. Degree only on 30.04.2013. However, the fourth respondent had been promoted as Headmistress as early as 12.09.2012. Thus, at the time of the promotion of the fourth respondent, the writ petitioner was not qualified and did not possess the requisite educational qualifications even for consideration.

6.This apart, the learned Additional Government Pleader brought to the notice of this Court that in respect of the similar relief, the writ petition had already been filed in W.P.(MD)No.16811 of 2012 and the same is pending.

7.This being the factum of the case, no further consideration is required. Accordingly, this writ petition stands



dismissed. However, no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (W)

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/True Copy/

Sub Assistant Registrar

To

1. The District Elementary Educational Officer,
Tirunelveli District, Tirunelveli.
2. The Assistant Elementary Educational Officer,
Palai Region, Tirunelveli District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 47279

MYR/RMK

TE/SKN-RSK/SAR-1 : 23/02/2018 : 3P/4C

W.P(MD)No.8988 of 2014 and
M.P. (MD)No.1 of 2014
06.02.2018