



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A.[MD].No.1275 of 2018
and
C.M.P.(MD).No.8956 of 2018

G.Kothainayaki : Appellant/Petitioner

Vs.

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

: Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 06.02.2018 made in W.P.(MD).No.8988 of 2014, on the file of this Court.

Prayer in WP(MD). 8988/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 10.9.2013 vide Na.Ka.No.4350/Aa3/2013 passed by the 1st respondent and quash the same and consequently direct the respondents 1 to 3 to promote the petitioner to the post of Headmistress of the 3rd respondent school with effect from 15.5.2013.



For Appellant : Mr.V.Angusamy
For respondents 1&2 : Mr.A.K.Baskarapandian
Special Government Pleader
For Respondent No.3 : Mr.M.P.Senthil

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JUDGMENT

[Judgment of the Court was delivered by M.M.SUNDRESH, J.]

This Writ Appeal has been filed against the order dated 06.02.2018 made in W.P.(MD).No.8988 of 2014, passed by the learned Single Judge, who declined to interfere with the order dated 10.09.2013 passed by the first respondent herein by holding that the respondent No.4 herein has been promoted to the post of Headmistress as early as on 12.09.2012, on which date, the appellant was not qualified, as, admittedly, she acquired Bachelor of Literature Degree only on 30.04.2013.

2. The learned counsel appearing for the appellant would submit that the fourth respondent did not have the qualification, having completed the degree through the distance education.

3. We are not inclined to go into the said issue, in view of the specific finding given by the learned Single Judge. We are not dealing with a case of Public Interest Litigation. The appellant will have to establish her right to be considered at the relevant point of time. Admittedly, she was not qualified to hold that post on the date of promotion of the respondent No.4. Thus, we do not find any merit in this Writ Appeal. Accordingly, the Writ Appeal stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar(CS-III)

NB

To

1.The District Elementary Educational Officer,
Tirunelveli District, Tirunelveli.

2.The Assistant Elementary Educational Officer,
Palayamkottai Region,
Tirunelveli District.



+1cc to Mr.M.P.Senthil, Advocate in SR No.85475

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W.A. [MD] .No.1275 of 2018

AND

C.M.P (MD) .No.8954 of 2018

NM/RSK/SAR III/22.10.18/3P/4C