



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAMW.P (MD) No.18768 of 2013 and
M.P (MD) No.2 of 2013

C.Antony Arul Jothi

... Petitioner

Vs

1. The State Government
Rep. By its Principal Secretary,
Education Department,
Secretariat, Fort St. George,
Chennai-9.
2. The Director of School Education,
Chennai.
3. The Chief Educational Officer,
Thoothukudi District, Thoothukudi.
4. The Thoothukudi Diocesan Association
Rep. By its President,
Bishop's House, Cathedral P.O.,
Thoothukudi.
5. The Manager, R.C.Schools,
Diocese of Thoothukudi,
Thoothukudi.
6. The Superintendent of R.C.Schools,
Thoothukudi.

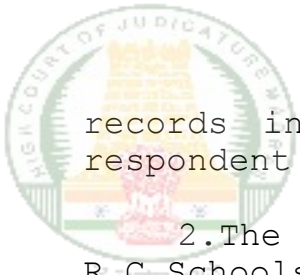
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the Impugned Letter No.17, School Education (2) Department dated 19.01.2009 of the first respondent and to quash the same.

For Petitioner	: Mr.J.Ashok
For R1 to R3	: Mrs.V.P.M.Vaishnavi Government Advocate
For R4 to R6	: Mr.Fr.A.Xavier Arulraj

ORDER

The relief sought for in this writ petition is to call for the



records in relation to the impugned letter issued by the first respondent vide proceedings, dated 19.01.2009.

2. The grievance of the writ petitioner is that the respondents R.C.Schools are to be treated as Corporate and therefore, a transfer from one School to another School is impermissible. However, it is brought to the notice of this Court that it is a Roman Catholic Institution and more specifically run by the minorities. In respect of administering the management, it is the prerogative of the minorities and their rights to administer the institution is constitutionally protected. This being the factum, power of transfer from one School to another school within the same management is certainly permissible and it is the administrative policy of the management running more than one institution.

3. This apart, the writ petitioner had already joined in the transferred place on 09.01.2015. Thus, the present writ petition also deserves no further consideration. It is made clear that the minority institution has got the power of administration and the same cannot be questioned. Further, it is submitted that the writ petitioner herself was appointed in a transferred vacancy. This being the factum, very ground raised by the writ petitioner is untenable.

4. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary,
Education Department,
Secretariat, Fort St. George,
Chennai-9.
2. The Director of School Education,
Chennai.
3. The Chief Educational Officer,
Thoothukudi District,
Thoothukudi.

AM

TE/KKR/SAR-4 : 02/03/2018 : 3P/4C

<https://hcservices.ecourts.gov.in/hcservices/>

W.P (MD) No.18768 of 2013
20.02.2018