



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.887 of 2013

and

W.M.P.(MD)No.1 of 2013

M.P.N.Fathimuthu Nilofar

... Petitioner

-Vs-

- 1.The State of Tamil Nadu,
represented by its Secretary,
(Education), Secretariat,
Chennai.
- 2.The Director,
School Education (Higher Secondary),
DPI Cmplx, Chennai.
- 3.The Chief Education Officer,
Chief Education Office,
Tuticorin.
- 4.The Secretary,
School Committee,
S.A.v.Higher Secondary School,
Chathiram Street,
Tuticorin.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to forebear from preventing the petitioner from performing her duty as a postgraduate assistant of commerce in the IV Respondent's school and consequential directions to permit the petitioner to perform the petitioner's duty as a postgraduate assistant of commerce in the IV respondent school.

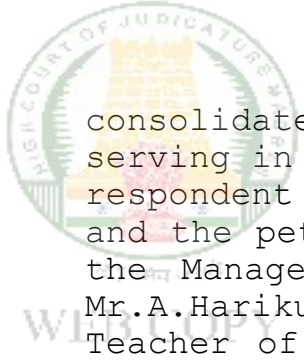
For Petitioner
For Respondents

: Mr.B.N.Raja Mohamed
: Mr.R.Sethuraman (for R1 to R3)
Special Government Pleader
Mr.T.Lajapathi Roy (for R4)

ORDER

The relief sought for in this Writ Petition is for a direction to forbear the respondent from preventing the petitioner from performing her duty as a postgraduate assistant of commerce in the fourth Respondent's school and consequential directions to permit the petitioner to perform the petitioner's duty as a postgraduate assistant of commerce in the fourth respondent school.

2.The Writ Petitioner claims that he was appointed as Post Graduate Teacher for Commerce in the fourth respondent School in a



consolidated salary of Rs.2,000/- per month. The petitioner was serving in the fourth respondent school till March 2012. The fourth respondent school is a private recognised non-minority aided school and the petitioner was working sincerely and to the satisfaction of the Management. The Claim of the writ petitioner is that one Mr.A.Harikumar, who appointed the writ petitioner as a Commerce Teacher of the School has given an assurance that he will appoint the petitioner as a permanent staff of the school in Tuticorin. However, the writ petitioner was not appointed on permanent post.

3.The learned Special Government Pleader appearing on behalf of the respondent states that the writ petitioner was appointed by the Management as a Management Teacher and had not appointed on permanent basis. The competent educational authorities had not received any proposal for the purpose of considering the case of the writ petitioner for grant of approval. Since the writ petitioner had served as Management employee and no approval was granted, the writ petition cannot be considered.

4.This Court is of an opinion that the writ petitioner was engaged by the Management as a Management Teacher on a consolidated pay and the appointment of the writ petitioner has not been approved by the competent educational authorities. This apart the assurance given by the management cannot be a ground to move the present writ petition seeking continuance of service.

5.Under these circumstances, the relief as such sought for to forbear the fifth respondent cannot be granted. It is not made clear that the services of the writ petitioner is discharged or not. Thus, the writ petition is filed only with an apprehension and therefore the present writ petition is premature. In these circumstances, the grounds raised in the Writ petition deserve no further consideration at all. However, if any grievance exists to the writ petitioner, the writ petitioner is at liberty to redress the same in the manner known to law. Accordingly, this Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, W.M.P. (MD) Nos.1 of 2013 is closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub-Assistant Registrar

To

1.The Secretary,

State of Tamil Nadu, (Education), Secretariat, Chennai.

2.The Director, School Education (Higher Secondary),
DPI Cmplx, Chennai.

3.The Chief Education Officer, Chief Education Office,
Tuticorin.

+One cc to The Special Government Pleader, SR.No.50247

<https://hcservices.ecourts.gov.in/hcservices/>
+One cc to Mr.I.Lajapathi Roy, Advocate, SR.No.50012

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RL/6C/2P/KK/SAR3/21/3/2018

W.P (MD) No.887 of 2013
20.02.2018