

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.20488 of 2004
and W.P.M.P.No.24663 of 2004

Mrs.Virgin Panimalar

... Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by Secretary to Government,
Education Department,
Fort St. George,
Chennai 600 005.
2. District Elementary Educational Officer,
Tirunelveli.
3. The Assistant Elementary Educational Officer,
Radhapuram.
4. The Manager,
R.C.Schools,
Vallioor South Zone,
Fathima Church Compound,
Vallioor 627 117.
5. The Correspondent,
R.C. Periyamayaghi Vidhyalayam Middle School,
Radhapuram 627 111.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to approve the petitioner Mrs.Virgin Panimalar's appointment as Secondary Grade Assistant in R.C. Periyamayaghi Vidhyalayam Middle School from 28.07.1999 and release the grant for her salary with all attendant benefits.

For Petitioner : Mr.R.S.Glittus Raj
For Respondents : Mrs.V.Annalakshmi, G.A., for RR1 to 3
Mr.S.M.Edward Stanley, for RR4 & 5

O R D E R

This petition has been filed to direct the respondents 1 to 3 to approve the petitioner's appointment as Secondary Grade Assistant in R.C. Periyarayaghi Vidhyalayam Middle School.

2. When the petitioner was appointed in regular sanctioned vacancy and the proposal for approval of his appointment as Secondary Grade Assistant was forwarded to the second respondent, the same came to be rejected on the ground that there were surplus teachers in R.C. Schools in Tamil Nadu District.

3. When the second respondent had already rejected the request for approval of the petitioner's appointment, the petitioner herein may not be justified in seeking for a direction to the respondents to approve the petitioner's appointment as Secondary Grade Assistant. If at all the petitioner is aggrieved, the only remedy available would be to challenge the said rejection of the application seeking for approval of appointment, either by the petitioner or by the 5th respondent School authorities. As such, the present prayer is not maintainable. Hence, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Secretary to Government,
The State of Tamil Nadu,
Education Department,
Fort St. George,
Chennai 600 005.

2. District Elementary Educational Officer,
Tirunelveli.

3. The Assistant Elementary Educational Officer,
Radhapuram.

+1cc to Government Pleader sr.no.22579

+1cc to Mr.R.S.Glittus Raj, Advocate sr.22285

+1cc to M/s.Father Xavier Associates, sr.22147

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nr 03/05/2019



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