

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAN

W.P.No.4749 of 2019

George Philip

... Petitioner

vs

1. The Chief Educational Officer,
Udhagamandalam, The Nilgiris District.
2. The District Educational Officer,
Gudalur, The Nilgiris District.
3. Rt.Rev.Dr.Thomas Mar Theethos Episcopa,
Mathoma Centre, Makkada Post,
Kakkodi (Via) Calicut - 673 617, Kerala.
4. The Correspondent,
St.Thomas Higher Secondary School,
Marthoma Nagar, Gudalur Taluk,
Gudalur, The Nilgiris District - 643 212.
5. Mr.K.P.Markose,
Headmaster,
St.Thomas Higher Secondary School,
Marthoma Nagar, Gudalur Taluk,
Gudalur, The Nilgiris District - 643 212.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 2 to 4 to promote the petitioner as Headmaster in the St.Thomas Higher Secondary School, Marthoma Nagar, Gudalur Taluk, Gudalur, The Nilgiris District - 643 212 pursuant to the petitioner's representation dated 26.11.2018.

For Petitioner : Mr.K.Krishnan

For Respondent R1&2 : Mr.A.Rajaperumal
Addl.Government Pleader

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents 2 to 4 to promote the petitioner as Headmaster in the St.Thomas Higher Secondary School, Marthoma Nagar, Gudalur Taluk, Gudalur, The Nilgiris District, pursuant to the petitioner's representation dated 26.11.2018.

2. Promotion per se, can never be claimed as a matter of right. However, consideration for a promotion is a right of an employee. In the present case on hand, the learned counsel for the writ petitioner states that the 5th respondent who is not qualified going to be appointed. However, the facts remains that, no appointment order has been issued in favour of the 5th respondent so far. As far as the minority institutions are concerned, this Court of judicial review in respect of appointments and promotions are certainly limited. This Court would not interfere with the appointments and promotions made by the minority institutions unless such appointments are made contrary to the Statute and the minimum educational qualifications prescribed by the National Council for Teachers Education.

3. Thus, only criteria is that all appointments to be made by following the minimum educational qualifications, prescribed under the Statutes, even by minority institutions. However, selection is the discretion of minority institution which can never be interfered with, in view of the fact that, the minority institutions enjoys such a privilege under the Constitution.

4. As far as the present writ petition is concerned, the case of the writ petitioner is to be considered along with all other candidates who all are aspiring to secure the post of Headmaster in the 4th respondent School. Thus, it is left open to the 3rd respondent Management to select an appropriate candidate in the interest of Students and by following the Statutes in respect of the minimum educational qualification prescribed under the Act.

5. With these clarifications, the writ petition stands dismissed. No Costs.
Pkn

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

- 1.The Chief Educational Officer,
Udhagamandalam, The Nilgiris District.
2. The District Educational Officer,
Gudalur, The Nilgiris District.
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5. Mr.K.P.Markose,
Headmaster,
St.Thomas Higher Secondary School,
Marthoma Nagar, Gudalur Taluk,
Gudalur, The Nilgiris District - 643 212.

+1cc to Mr.K.Krishnan, Advocate, S.R.No.15313
+1cc to the Government Pleader, S.R.No.16082

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Kak (25/03/2019)

सत्यमेव जयते

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