

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.3801 of 2018

R.Stalin

.. Petitioner

Vs.

1. The Director of School Education,  
Puducherry
2. The Rev.Fr.Secretary  
Arch Diocesan Board of Education  
Puducherry
3. The Principal/Headmaster  
Fatima Higher Secondary School,  
Puducherry-8.

... Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 29.02.2016 requesting for regular appointment in the first vacancy in the post of Physical Education Teacher in the third respondent school.

For Petitioner : Mr.P.Manoj Kumar

For Respondents : Mr.A.V.Ramalingam  
Additional Government Pleader  
( Puducherry )  
for R1.

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O R D E R

The relief sought for in the present writ petition is to direct the respondent to consider the petitioner's, representation dated 29.02.2016, requesting for regular appointment in the 1<sup>st</sup> vacancy in the post of Physical Education Teacher in the 3<sup>rd</sup> respondent school.

2. The learned counsel for the writ petitioner has made a submission that the 3<sup>rd</sup> respondent is a minority Institution and on account of the fact that the petitioner is fully qualified, he must be appointed in the post of Physical Education Teacher. The learned counsel for the writ petitioner states that the other person, who was appointed in the said post, has resigned his job and therefore, in the said place, the petitioner must be considered for appointment to the post of Physical Education Teacher.

3. Right of administration is a constitutional right. This apart, appointment can never be claimed as a matter of right. Undoubtedly, the rules and regulations and the statutes are to be followed by the 3<sup>rd</sup> respondent School also, while appointing the qualified candidates. Though the minority schools are having the right of the appointment, they have to ensure that qualified persons are appointed in the sanctioned post in accordance with the minimum educational qualifications prescribed by the National Council for Teacher Education.

4. However, the petitioner cannot claim appointment as a matter of right. Mere submission of ready to do any work would not confer any right on the writ petitioner, to file a writ petition for a direction to consider his case. Even to issue such a direction, petitioner has to establish a legal right. In the absence of any such legal right, this Court would not entertain a writ petition under Article 226 of the constitution of India and also the representation cannot be considered. It is left open to the writ petitioner to approach the authorities concerned, for the purpose of redressal of his grievances.

5. In this view of the matter, the writ petition stands dismissed. No costs.

सत्यमेव जयते

Sd/-  
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Kmm

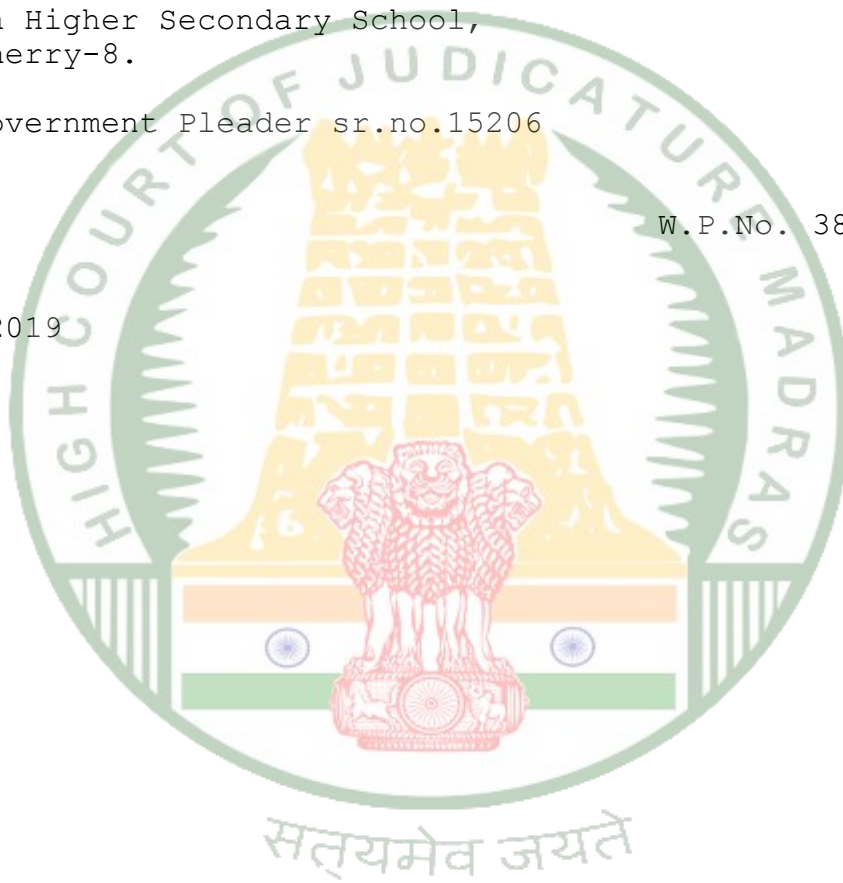
To

1. The Director of School Education,  
Puducherry
2. The Rev.Fr.Secretary  
Arch Diocesan Board of Education  
Puducherry
3. The Principal/Headmaster  
Fatima Higher Secondary School,  
Puducherry-8.

+1cc to Government Pleader sr.no.15206

W.P.No. 3801 of 2018

cp(co)  
nr 28/03/2019



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