



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.5960 of 2012

and

M.P. (MD) Nos.1 and 2 of 2012

K.Periyasamy

... Petitioner

-Vs-

- 1.The Director of School Education,
Chennai-600 006.
- 2.The Joint Director of School Education,
(Higher Secondary) & Appellate Authority,
Department of School Education,
Chennai-600 006.
- 3.The Chief Educational Officer,
Thiruchirapalli, Thiruchirapalli-620 008.
- 4.The District Educational Officer,
Thiruchirapalli-620 001.
- 5.The Correspondent,
Christian Endeavour Higher Secondary School,
Vannarapettai, Thiruchirappalli-620 017.

6.M.Pandi

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, restraining the 5th respondent from permitting the 6th respondent to work as unapproved Record Clerk in the 5th respondent school, and further to direct the 5th respondent to appoint the petitioner to the said post of Record Clerk by way of promotion with effect from 22.12.2011 as per the Rule 15(4) of Tamil Nadu Recognized Private Schools (Regulation) Rules, 1974.

For Petitioner	: Mr.D.Gnanasekaran
For R1 to R4	: Mrs.S.Srimathy, Special Government Pleader.
For R5	: Mr.P.Muthuvelan, For M/s.Isaac Chambers.
For R6	: Mr.S.Arunachalam

**ORDER**

The relief sought for in the present Writ Petition is to restrain the 5th respondent from permitting the 6th respondent to work as unapproved Record Clerk in the 5th respondent school and further direction is sought for to direct the 5th respondent to appoint the writ petitioner to the said post of Record Clerk by way of promotion with effect from 22.12.2011 as per the Rule 15(4) of Tamil Nadu Recognized Private Schools (Regulation) Rules, 1974.

2.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner joined as an Office Assistant in the 5th respondent school on 16.03.1989. The writ petitioner has not passed S.S.L.C., and he claims that he should be appointed as Record Clerk in the place of the 6th respondent.

3.The learned counsel appearing on behalf of the 5th respondent states that on account of certain serious allegations, disciplinary proceedings were initiated against the writ petitioner and he was placed under suspension, subsequently, an enquiry was conducted and the Enquiry Officer also submitted his report. Now, the competent authority is in the process of finalizing the disciplinary proceedings and passing final orders.

4.Under these circumstances, the case of the writ petitioner cannot be considered for promotion to the post of Record Clerk. When the writ petitioner is facing disciplinary proceedings, his case cannot be considered for promotion. However, it is made clear that after the disposal of the disciplinary proceedings, the case of the writ petitioner shall also be considered along with other eligible candidates for promotion to the post Record Clerk, if he is otherwise qualified and eligible.

5.It is brought to the notice of this Court that appointment of the 6th respondent in the post of Record Clerk had already been approved by the Department. Then, the 5th respondent made such a submission. This Court is of the considered opinion that in the event of arising any vacancy, the case of the writ petitioner shall be considered in accordance with the rules in force.

6.With these observations, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl.side)

/ True Copy /



To

1.The Director of School Education,
Chennai-600 006.

2.The Joint Director of School Education,
(Higher Secondary) & Appellate Authority,
Department of School Education,
Chennai-600 006.

3.The Chief Educational Officer,
Thiruchirapalli, Thiruchirapalli-620 008.

4.The District Educational Officer,
Thiruchirapalli-620 001.

+1 CC to M/s.ISSAC CHAMBERS, Advocate(SR-75654[F] dated 17/07/2019)
+1 CC to M/s.SPL GP (SR-75746[F] dated 17/07/2019)
+1 CC to M/s.D.GANANA SEKARAN,Advocate(SR-76117[F] dated 18/07/2019)

W.P (MD) No.5960 of 2012
16.07.2019

Myr

ES/24.07.2019/3P/8C