



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.3203 of 2018

and

WMP(MD)Nos.3362 and 3363 of 2018

N.Dhanalakshmi

.. Petitioner

Vs.

- 1.The Director of Elementary Education,
DPI Campus, College Road, Chennai - 6.
- 2.The Joint Director of Elementary Education
(Aided School),
DPI Campus, College Road, Chennai- 6.
- 3.The District Elementary Educational Officer,
O/o.District Elementary Educational Officer,
Sivagangai District.
- 4.The Assistant Elementary Educational Officer,
O/o.The Assistant Elementary Educational Officer,
Sivagangai District.
- 5.The Nehru Middle School,
rep.by its Secretary,
Attangudi, Karaikudi Taluk,
Sivagangai District - 630 101.

6.S.Revathi

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned order in Mu.Mu.No.5106/Aa4/2017 dated 06.02.2018 on the file of the third respondent and quash the same as illegal and consequently for a direction directing the fifth respondent to promote the petitioner in the post of Headmaster in accordance with the Rule 15(4) of the Tamil Nadu Recognized Private Schools (Regulation) Rules 1974 within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For R1 to R4 : Mrs.S.Srimathy
Special Government Pleader

For R6 : Mr.T.Cibi Chakaraborthy

**ORDER**

This writ petition has been filed challenging the impugned order passed by the third respondent dated 06.02.2018, granting approval to the sixth respondent and consequently direct the fifth respondent to promote the petitioner in the post of Headmaster in accordance with Rule 15(4) of the Tamil Nadu Recognized Private Schools (Regulation) Rules , 1974.

2. According to the learned counsel for the petitioner, the petitioner was appointed as Secondary Grade Teacher in the 5th respondent school. While so, due to the retirement of the Headmaster by name N.Gopal, the post of Headmaster fell vacant and the school Committee has unanimously resolved to promote the petitioner as Headmaster, taking into account her seniority. Thereafter, the said proposal was dropped and an order has been passed by the fifth respondent, appointing the sixth respondent as Headmaster of the school. The said appointment of the sixth respondent was approved by the concerned authority.

3. The grievance of the petitioner is that without assigning any reason, the petitioner's promotion proposal was dropped and consequently, the impugned order has been passed, promoting the sixth respondent as Headmaster in the fifth respondent school. Challenging the same, this writ petition has been filed.

4. The learned Special Government Pleader appearing for the respondents 1 to 4 submitted that against the impugned order, the petitioner is having an efficacious alternative remedy to file an appeal before the authority concerned under Rule 15(4)(a) of the Tamil Nadu Recognized Private Schools (Regulation) Rules, 1974 and therefore, this writ petition is not maintainable.

5. In view of the aforesaid submission made by the learned Special Government Pleader, this writ petition is dismissed as not maintainable, as there is an efficacious alternative remedy available to the petitioner. It is open to the petitioner to file an appeal before the authority concerned under the said Rule, if she is so advised. No costs. Consequently, WMP(MD)Nos.3362 and 3363 of 2018 are closed.

Sd/-

Assistant Registrar (AD-II)

/ True Copy /

Sub Assistant Registrar(CS-)



To

1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 6.

2.The Joint Director of Elementary Education
(Aided School),
DPI Campus, College Road,
Chennai- 6.

3.The District Elementary Educational Officer,
O/o.District Elementary Educational Officer,
Sivagangai District.

4.The Assistant Elementary Educational Officer,
O/o.The Assistant Elementary Educational Officer,
Sivagangai District.

+1 CC to M/s.ISAAC CHAMBERS, Advocate
(SR-73607[F] dated 05/07/2019)

+1 CC to M/s.SPL GP (SR-74010[F] dated 08/07/2019)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate
(SR-73870[F] dated 08/07/2019)

W.P(MD)No.3203 of 2018
04.07.2019

ES/12.07.2019/3P/8C