



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P(MD).No. 14203 of 2019 and

W.M.P(MD).Nos. 10686 & 10687 of 2019

WEB COPY

K.G. Kothainayagi

... Petitioner

Vs.

1. The District Elementary,
Educational officer,
Opposite to Rathna Theatre,
Tirunelveli - 627 002.

2. The Assistant Elementary Educational Officer,
Office at Perumal Sannathi Street,
Palayamkottai, Tirunelveli District.

3. Ganesamoorthy Middle School,
representing through its
Present Secretary,
K.G.K. Ganeshamurthy,
Kurichi, Palayamkottai,
Tirunelveli.

4. K.G.K. Ganeshamurthy,

5. P.M. Inaiabduallah

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to calling for the records of impugned order passed by the third respondent in Nil proceedings dated 12.06.2019 and quash the same and further direct the third respondent to promote the petitioner to the post of Headmistress of Ganesamoorthy Middle School at Kurichi, Palayamkottai, Tirunelveli District, as per Rule 15(4) of Tamil Nadu Recognised Private Schools (Regulation) Act, 1973 and pass appropriate order within a time stipulated by this Court.

For Petitioner

: Mr.D. Nallathambi

For Respondents-1 & 2

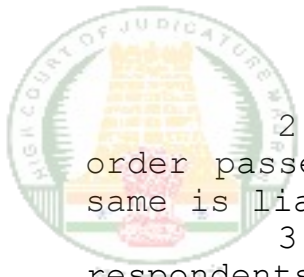
: Mr.A. Thiagarajan
Government Advocate

For Respondent-3

: Mr.G. Prabhu Rajadurai

O R D E R

The instant Writ Petition has been filed to call for the records of impugned order passed by the third respondent in Nil proceedings, dated 12.06.2019 and quash the same and further to direct the third respondent to promote the petitioner to the post of Headmistress of Ganesamoorthy Middle School at Kurichi, Palayamkottai, Tirunelveli District, as per Rule 15(4) of Tamil Nadu Recognised Private Schools (Regulation) Act, 1973 and pass appropriate order within a time stipulated by this Court.



2. The grievance of the petitioner is that the impugned order passed by the third respondent/Management is illegal and the same is liable to be quashed.

3. The learned Government Advocate appearing for the respondents-1 & 2 had strongly objected the maintainability of the writ petition. He would further submit that the efficacious alternative remedy is available to the petitioner and that the petitioner has to approach the first respondent/District Elementary Educational Officer for making her submissions.

4. The learned counsel appearing for third respondent management would submit that the present writ petition is not maintainable. He further submit that the impugned order, dated 12.06.2019 and the proposal for appointment of fifth respondent as Head-Master of the School has been forwarded to the District Educational Officer through the Taluk Educational Officer and therefore, the writ petition is not maintainable.

5. Considering the aforesaid submission, the instant writ petition is not maintainable on the ground that the petitioner has not approached the concerned officer for making her objections.

6. On considering the facts and circumstances of the case, this Court directs the petitioner to approach the District Educational Officer to make her objections for claiming her rights as well as for the appointment of the fifth respondent as Head-Master of the School. The learned counsel appearing for the petitioner undertakes before this Court that the objections will be presented before the District Educational Officer, within a period of one week from the date of receipt of a copy of the order. On filing of such objections before the District Educational Officer, the same shall be considered on merits and in accordance with law.

7. With the above observations, the writ petition is disposed of. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The District Elementary, Educational officer,
Opposite to Rathna Theatre, Tirunelveli - 627 002.
2. The Assistant Elementary Educational Officer,
Office at Perumal Sannathi Street,
Palayamkottai, Tirunelveli District.

+One cc to The Special Government Pleader, SR.No.71599

+One cc to Mr.G.Prabhu Rajadurai, Advocate, SR.No.71427

+One cc to Mr.D.Nallathambi, Advocate, SR.No.71386

W.P[MD)]No. 14203 of 2019
25.06.2019