



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. (MD) No. 4177 of 2014

and

M.P. (MD) Nos. 2 & 3 of 2014

1.M.Jeevaraani

2.M.Raajalakshmi

3.S.Subbulakshmi

4.R.Thangakkani

5.V.Parvathiyammal

6.R.Veerathal

7.G.Subbulakshmi

8.P.Ramalakshmi

9.M.Sivanammal

10.T.Povunthai

11.M.Vasantham

... Petitioners

vs.

1.The Union of India
rep.by the Ministry of Labour
and Employment
South Block, New Delhi

2.The Secretary
Ministry of Women and Child Welfare
Government of India, New Delhi

3.State of Tamil Nadu
rep.by the Chief Secretary
Secretariat, St.George Fort
Chennai

4.The Secretary
Department of Education
Secretariat, St.George Fort
Chennai



5.The Secretary
Department of Social Welfare
Secretariat, St.George Fort
Chennai

6.The Commissioner
Department of Labour
D.M.S.Complex
Teynampet, Chennai-6

7.The District Collector / Chairman
Child Labour Advisory Board
The District Collector Campus
Virudhunagar District

8.The Additional Commissioner of Labour
D.M.S.Complex, Tenampet, Chennai-6

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus forbearing the respondents from closing the Special schools for Child Labour in the districts of respondent No.7 without fully educating the last child labour and terminating the services of the petitioners and consequently consider the appointment of the petitioners in the posts of Anganwadi Worker, Noon Meals Staff, Secondary Grade Teacher and B.T. Teacher etc. as per the qualification and experience of the petitioners.

For Petitioners : Mr.T.Lajapathi Roy

For Respondents : Mrs.S.Srimathi

Central Government Standing Counsel for R1 & R2

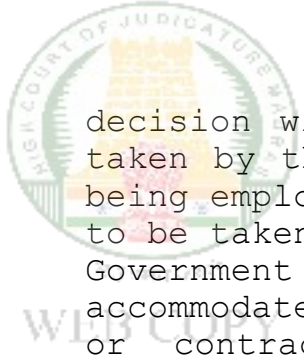
Mr.S.Dhayalan

Government Advocate for R3 to R8

O R D E R

The relief sought for in the present writ petition is to forbear the respondents from closing the Special Schools for Child Labour in Virudhunagar District, without fully educating the last child labour and terminating the services of the writ petitioners and consequently, consider the appointment of the writ petitioners in the posts of Anganwadi Worker, Noon Meals Staff, Secondary Grade Teacher and B.T.Teacher etc., as per their qualification and experience.

2. The relief as such sought for in the present writ petition to forbear the respondents from closing the Special Schools for Child Labour cannot be granted. For opening of such Special Schools is the policy decision of the Government as well as its administrative prerogative, equally the closure of such Schools is also a policy decision and the administrative prerogative. The



decision with regard to opening or closing of a School has to be taken by the Government as a policy decision. The writ petitioners being employed as Teachers cannot interfere with the policy decision to be taken by the Government. If at all a decision is taken by the Government to close the School, the permanent employees can be accommodated in any other Schools. As far as the temporary, casual or contract employees are concerned, they cannot claim any regularization or permanent absorption in any other Schools.

3. In the present case on hand, the apprehension of the writ petitioners is that the respondents may close down the Special Schools for Child Labour in Virudhunagar District. Mere apprehension or otherwise cannot be a ground for entertaining such writ petitions. This apart, the writ petitioners being employed in the Special Schools cannot seek for such a direction, which is of public interest in nature. The various datas and details provided by the writ petitioners may not have any relevance with reference to their grievances set out in the present writ petition. The alternative prayer sought for in the present writ petition is to appoint the writ petitioners in the post of Secondary Grade Teacher. Now, the appointments to the post of Secondary Grade Teacher are done through the Teachers Recruitment Board and the eligible persons have to participate in the process of selection for securing appointment to the post of Secondary Grade Teacher.

4. Thus, if the writ petitioners are otherwise eligible and qualified in accordance with the rules in force, then they are at liberty to participate in the process of selection for the purpose of securing appointment to the post of Secondary Grade Teacher or to any other post. However, the relief as such sought for in the present writ petition to forbear the respondents from closing the Special Schools for Child Labour cannot be granted and it is the administrative prerogative of the competent authority and the policy decision to be taken by the Government.

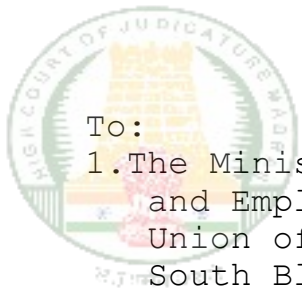
5. With these observations, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

Sub Assistant Registrar (CS)



To:

1.The Ministry of Labour
and Employment,
Union of India,
South Block, New Delhi.

2.The Secretary,
Ministry of Women and Child Welfare,
Government of India, New Delhi.

3.The Chief Secretary,
Secretariat, St.George Fort,
State of Tamil Nadu, Chennai.

4.The Secretary,
Department of Education,
Secretariat, St.George Fort,
Chennai.

5.The Secretary,
Department of Social Welfare,
Secretariat, St.George Fort,
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Department of Labour,
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7.The District Collector / Chairman,
Child Labour Advisory Board,
The District Collector Campus,
Virudhunagar District.

8.The Additional Commissioner of Labour,
D.M.S.Complex, Tenampet, Chennai-6.

+1cc to Mr.T.LAJAPATHI ROY, Advocate, SR.No.73866

+1cc to M/S.SRIMATHY, Advocate, SR.No. 73859

+1cc to M/s.Special Government Pleader,SR.No. 73760

W.P. (MD) No.4177 of 2014

and

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KK/SAR/23.07.2019/4P-12C