



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.4180 of 2014
and
M.P.(MD) Nos.1 & 2 of 2014

K.Perumal Samy

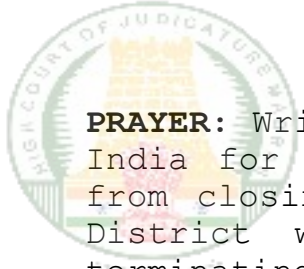
... Petitioner

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
Virudhunagar District

8.The Additional Commissioner of Labour
<https://hcservices.ecourts.gov.in/hcservices/>
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 Virudhunagar District without fully educating the last child labourer and terminating the services of the petitioner and consequently to direct the respondents to compensate the petitioner with service benefits in the event of closing down the above said Special School for Child Labour taking note of the 15 years of service rendered by the petitioner.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mrs.S.Srimathi

Central Government Standing Counsel for R1 & R2

Mr.K.Mu.Muthu

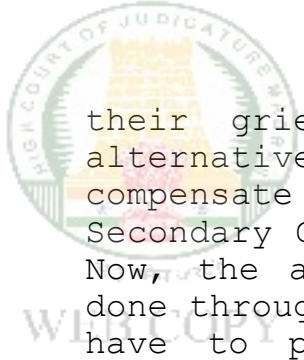
Additional Government Pleader for R3 to R8

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 petitioner and consequently, to direct the respondents to compensate the writ petitioner with service benefits in the event of closing down the above said Special School for Child Labour by taking note of fifteen years of service rendered by him.

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 petitioner being employed as a Teacher 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 petitioner 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 petitioner being employed in the Special School cannot seek for such a direction, which is of public interest in nature. The various datas and details provided by the writ petitioner may not have any relevance with reference to



their grievance set out in the present writ petition. The alternative prayer sought for in the preset writ petition is to compensate the writ petitioner by appointing him in the post of Secondary Grade Teacher in the event of closing the Special School. 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 petitioner is otherwise eligible and qualified in accordance with the rules in force, then he is 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 (AD-II)

// 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, State of Tamil Nadu,
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,
Chennai.

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

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

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

+1 CC to SPL GP SR-73735.

+1 CC to Mr.T.LAJAPATHI ROY, Advocate SR-73867.

W.P.(MD) No.4180 of 2014
and
M.P.(MD) Nos.1 & 2 of 2014
04.07.2019

CS/ /SAR/16.07.2019/ 4P/ 11 C