



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

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W.P. (MD) No.4758 of 2014

and

M.P. (MD) Nos.1, 2 of 2014, 1 of 2015

and

W.M.P. (MD) Nos.11790 & 11792 of 2018

J.Swan Chandramathi

... Petitioner

vs.

1. The Chief Secretary
Government of Tamilnadu
Chennai-600 009

2. Director of Elementary Education
Chennai-600 006

3. District Elementary Education Officer
Tiruchirappalli-620 020

4. S.Kavitha Gowsalya

5. S.Daniel Suresh

6. Correspondent
TELC Middle School
Kalla Street, Tiruchirappalli-08

7. Rev.T.Samuel Thangaraj
[R6 & R7 impleaded as per order
dated 11.09.2014 in M.P. (MD)
No.3 of 2014]

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the third respondent to accord approval of Graduate Headmistress Promotion with due monetary benefits for the period from 04.07.2012 onwards as accepted in the records of third respondent No.O.MU.4544/A2/2013 dated 08.10.2013 within a time stipulated by this Court.

For Petitioner : Mr.P.A.Solomon

For Respondents : Mrs.S.Srimathi

Special Government Pleader for R1 to R3

Mr.D.Sadiq Raja for R4

Mr.G.Thalaimutharasu for R5

Mr.T.Stalin for R6 & R7

**ORDER**

The relief sought for in the present writ petition is to direct the third respondent to accord approval to the Graduate Headmistress promotion with due monetary benefits for the period from 04.07.2012.

2. The learned counsel appearing for the writ petitioner states that the writ petitioner is fully qualified for appointment to the post of Headmistress in T.E.L.C. Middle School / sixth respondent. The learned counsel for the writ petitioner further states that the Management had committed an irregularity in appointing the fourth respondent as Headmistress. The appointment made in favour of the fourth respondent is invalid and the writ petitioner alone is a qualified candidate for the purpose of granting promotion to the post of Headmistress in the School.

3. The learned counsel appearing for the fourth respondent submitted a copy of the proceedings dated 29.12.2014 passed by the Joint Director of Elementary Education stating that the appeal preferred by the writ petitioner seeking promotion was rejected. This apart, the fourth respondent further submitted a copy of the proceedings dated 11.02.2015, stating that the District Elementary Educational Officer, Trichy, has approved the appointment of the fourth respondent as Headmistress in proceeding dated 17.01.2014. The said approval was granted due to the retirement of the erstwhile Headmistress, namely, Srimathi.D.Prema, who retired from service on 31.05.2012 and in the retirement vacancy, the fourth respondent was appointed as Headmistress and her promotion was approved by the competent authority. The fourth respondent is continuing as Headmistress as per the approval granted by the competent authority in proceedings dated 11.02.2015.

4. Under these circumstances, the relief sought for in the present writ petition to issue a direction to the third respondent to accord approval to the writ petitioner for the post of Graduate Headmistress does not arise at all. There cannot be approval of appointment for two candidates in respect of one post. When the appointment of the fourth respondent as Headmistress had already been approved by the competent authority, it is left open to the writ petitioner to adjudicate the grievances, if any, with reference to the approval already issued by the competent authority. This being the factum, the relief sought for in the present writ petition cannot be granted at this length of time and in view of the fact that the appointment of the fourth respondent had already been approved by the competent authority.



5. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

sd/
Assistant Registrar(AD-I)

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Sub Assistant Registrar(CS)

To

1. The Chief Secretary,
Government of Tamilnadu,
Chennai-600 009.
2. The Director of Elementary Education,
Chennai-600 006.
3. The District Elementary Education Officer,
Tiruchirappalli-620 020.

+1 CC to Mr.P.A.SOLOMON, Advocate (SR-68903[F] dated 14/06/2019)
+1 CC to Mr.D.SADIQ RAJA, Advocate (SR-68935[F] dated 14/06/2019)
+1 CC to SPL GP (SR-68889[F] dated 14/06/2019)

W.P. (MD) No.4758 of 2014

and

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and

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13.06.2019

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