



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.5681 of 2015

and

M.P. (MD) Nos.1 & 2 of 2015

Parvathi Sankar Primary School
South Aramvalarthanayakipuram Street
Tirunelveli Town 627 006
Tirunelveli District
rep.by its Secretary
P.Muthusamy
S/o.Pandi Nadar (late)

... Petitioner

vs.

1.The District Elementary Educational Officer
Tirunelveli District, Tirunelveli

2.The Assistant Elementary Educational Officer
Tirunelveli District, Tirunelveli-1

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the records relating to the impugned proceedings issued by the 1st Respondent in O.Mu.No. 259/Aa3/2015 dated 12.02.2015 and to quash the same and consequently directing the Respondents to approve the appointment of Thiru.D.John Wessly as Secondary Grade Teacher in the Petitioner School from the date of appointment on 04.08.2014 with all consequential and other attendant benefits with salary from the date of appointment along with interest within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents: Mrs.S.Srimathi

Special Government Pleader

O R D E R

The impugned order, dated 12.02.2015, passed by the first respondent, states that Thiru.D.John Wessly, for whose appointment the approval is sought for, was declared as a surplus Teacher. The decision was taken by the authorities competent based on the students strength in the Petitioner School. This apart, Thiru.D.John Wessly was not appointed as per the provisions of the relevant Act and Rules. The approval for the appointment of Thiru.D.John Wessly was also not granted by the competent Educational Authorities.



2. This being the factum, the present writ petition filed by the writ petitioner deserves no merit consideration. If at all the petitioner School submits any proposal for approval of the appointment of Thiru.D.John Wessly, the same is to be considered by the competent Educational Authorities with reference to the provisions of the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973 and by following the guidelines issued by the Government in this regard. A Teacher, whose appointment was not approved, cannot be granted with the reliefs as such sought for in the present writ petition. In this regard, the petitioner School has to submit a proposal and in the event of receiving any such proposal, the competent Educational Authorities shall consider the same on merits and in accordance with law.

3. With these observations, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

krk

To:

1.The District Elementary Educational Officer,
Tirunelveli District, Tirunelveli.

2.The Assistant Elementary Educational Officer,
Tirunelveli District, Tirunelveli-1.

+1CC TO M/S F.DEEPAK, ADVOCATE, SR.NO, 70751

+1CC TO M/S SPECIAL GOVERNMENT PLEADER, SR.NO.70996

W.P. (MD) No.5681 of 2015

and

M.P. (MD) Nos.1 & 2 of 2015

21.06.2019

BUC (01/07/2019) 2P/5C