



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 16.07.2019
CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P.(MD) No.3826 of 2014
and
M.P.(MD) No.1 of 2014

D.Amutha

... Petitioner

vs.

1.The Joint Director
(Higher Secondary)
Directorate of School Education
Chennai-6

2.The District Educational Officer
Aruppukottai, Virudhunagar District

3.The Secretary
Devangar Higher Secondary School
Aruppukottai-626 101
Virudhunagar District

4.A.Gokilamani

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the 2nd respondent to consider and pass orders on the representations of the petitioner dated 25.10.2013 and 16.12.2013 on merits and in accordance with law relating to the objection raised against the appointment of 4th respondent as PG Assistant in the 3rd respondent school overlooking the seniority of the petitioner within a time stipulated by this Court.

For Petitioner : Mr.B.Saravanan

For Respondents : Mrs.S.Srimathy
Special Government Pleader for R1 & R2
Mr.Xavier Rajini
for M/s.Isaac Chambers for R3 & R4

**ORDER**

The relief sought for in the present writ petition is for a direction to the second respondent to consider the writ petitioner's representations, dated 25.10.2013 and 16.12.2013, and pass orders on merits and in accordance with law.

2. The writ petitioner is working as Secondary Grade Teacher in the third respondent School. The writ petitioner claims that she is fully qualified and eligible for promotion to the post of P.G.Assistant. However, the case of the writ petitioner was not considered with reference to the provisions of the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973 (hereinafter, referred to as "the Act") and the post of P.G.Assistant was filled-up through the candidate from open market.

3. This Court is of the considered opinion that in respect of any violations of the provisions of the Act, the statutory appeal contemplated under the Act is to be filed by the aggrieved person. The Act contemplates an appeal to be filed before the Director of School Education. Thus, the writ petitioner, at the first instance, has to exhaust the appeal remedy provided under the statute. Whenever the statute provides an appeal, the aggrieved persons are bound to exhaust the appeal remedy by adjudicating the issues, by producing documents and by adducing evidence, if required. Such an exercise cannot be done by the Writ Court, under Article 226 of the Constitution of India. The original records maintained by the School / Management are to be verified and the process adopted for selection and appointment are also to be verified by the competent authorities.

4. Under these circumstances, the writ petitioner is at liberty to approach the competent appellate authority / Director of School Education, under the provisions of the Act for the purpose of redressing her grievances in the manner known to law.

5. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)



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To:

1.The Joint Director,
(Higher Secondary),
Directorate of School Education,
Chennai-6.

2.The District Educational Officer,
Aruppukottai,
Virudhunagar District.

+1cc to Mr.B.Saravanan,Advocate, SR.No.75848

+1cc to M/s.Isaac Chambers,SR.No.75655

+1cc to the Spl.Govt.Pleader Sr.No.75752

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