



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P(MD) .No. 18321 of 2018
and
WMP (MD) No. 16193 of 2018

R.V.K. Primary School,
1/96, Melapalayapuram Road,
Kongankulam Village,
Sivakasi Taluk,
Virudhunagar District,
through its Secretary.

: Petitioner

Vs.

1. The Chief Educational Officer,
Virudhunagar District,
Virudhunagar.
2. The District Educational Officer,
Sivakasi Range,
A.U. Municipal School Compound,
Sivakasi, Virudhunagar District.
3. The Block Educational Officer,
Vembakottai,
Virudhunagar District.

: Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India for issuing a Writ of Certiorarified Mandamus to call for the entire records connected with the impugned order passed by the second respondent in A.thi.mu.No.515/Aa4/2018 dated 26.03.2018 consequently order passed by the third respondent in A.thi.Mu.No.179/A1/2018 dated 10.04.2018 and quash the same and directing the respondents to accord the prior permission to fill up the Secondary Grade Teacher Post vacant in the petitioner school namely, R.V.K. Primary School, 1/96, Melapalayapuram Road, Kongankulam Village, Sivakasi Taluk, Virudhunagar District in the light of the Judgment reported in AIR 1998 SC 1761, by considering the vacant post is single cadre post.

For Petitioner

: Mr.K.K. Kannan

For Respondents

: Mrs.S. Srimathy,
Special Government Pleader

**ORDER**

This Writ Petition has been filed seeking to quash the impugned order in A.thi.mu.No.515/Aa4/2018, dated 26.03.2018, passed by the second respondent and consequential order in A.thi.Mu.No.179/A1/2018, dated, 10.04.2018 passed by the third respondent and a direction to the respondents to accord the prior permission to fill up the Secondary Grade Teacher Post vacant in the petitioner's school, in the light of the Hon'ble Supreme Court Judgment reported in AIR 1998 SC 1761, by considering the vacant post is single cadre post.

2. The petitioner has made an application for getting prior permission to fill up the post of Secondary Grade Teacher, under Rule 15(4)(2) of the Tamil Nadu Recognised Private Schools (Regulation) Rules, 1974. The said application was returned by pointing out certain defects. The petitioner, relying upon the Hon'ble Supreme Court Judgment reported in AIR 1998 Supreme Court 1767, Post-Graduate Institute of Medical Education & Research, Chandigarh, Appellant V. Faculty Association and others, resubmitted the application on 27.07.2018 to the respondents, but, so far no order has been passed.

3. The learned Special Government Pleader appearing for the respondents would submit that the said representation cannot be entertained on the reason that the original application is available in the Court bundle, along with typed set of papers in the instant writ petition.

4. Therefore, accepting the contentions of the learned Special Government Pleader, liberty is granted to the petitioner to resubmit the original application, after rectifying the defects pointed out by the respondents and resubmit the same to them, within a period of Four (4) weeks, from the date of receipt of copy of this order.

5. With the above observations, the instant writ petition is disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)



To

1. The Chief Educational Officer,
Virudhunagar District,
Virudhunagar.

2. The District Educational Officer,
Sivakasi Range,
A.U. Municipal School Compound,
Sivakasi, Virudhunagar District.

3. The Block Educational Officer,
Vembakottai,
Virudhunagar District.

+1 CC to M/s.K.K.KANNAN, Advocate (SR-77388[F] dated 24/07/2019)

+1 CC to M/s.SPL GP (SR-77753[F] dated 25/07/2019)

WP(MD) .No. 18321 of 2018
24.07.2019

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JMN(16.08.2019) 3P : 6C