



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2019

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CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.19340 of 2013

and

MP. (MD) No.2 of 2013

Dyana

... Petitioner

-Vs-

- 1.State of Tamil Nadu,
Rep. by the Secretary to Government,
Department of School Education,
Fort. St. George, Chennai-9.
- 2.The Director of School Education,
College Road, Chennai-6.
- 3.The Chief Educational Officer,
Nagercoil and Post, Kanyakumari District.
- 4.The District Educational Officer,
Thuckalay Educational District,
Thuckalay and Post,
Kanyakumari District.
- 5.The Correspondent,
All Saints Higher Secondary School,
Muttam and Post,
Kanyakumari District-629 202.

6.J.Latheese

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in the impugned appointment order dated 04.07.2013, issued by the 5th respondent to the 6th respondent and quash the same and direct the respondents 4 and 5 to appoint and approve the petitioner as female Physical Education Teacher at the 5th respondent school, at the vacancy caused due to the retirement of Mrs.S.Christianammai, within a time limit fixed by this Court.



For Petitioner

: Mr.C.Dhanaseelan

For Respondents

: Mrs.S.Srimathy
Special Government Pleader
(for R-1 to R-4)

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No Appearance (for R-5 and R-6)

ORDER

The writ petition on hand is filed to quash the appointment order dated 04.07.2013, issued by the fifth respondent appointing the sixth respondent as physical education teacher in fifth respondent's school.

2.The grievances of the writ petitioner is that she is fully qualified for appointment to the post of physical education teacher in the fifth respondent's school. However, the fifth respondent management had not conducted the selection properly with reference to the provisions of the Act and appointed the sixth respondent by conducting an improper selection. Thus, the writ petitioner is constrained to move the present writ petition.

3.The fifth respondent is a minority institution. Thus, the right of management as well as the appointments are vested with the fifth respondent management. Even in case of any such violation of act or rules, the petitioner is at liberty to approach the competent authorities under the provisions of the Tamil Nadu Recognized Private School Regulation Act, 1973. However, the writ petition cannot be entertained in respect of the appointment order issued by the minority institution. This being the factum, this Court is of the opinion that the appointment made by the minority institute cannot be questioned by the writ petitioner and if at all any grievances exist, it is left open to the writ petitioner to approach the appellate authorities or competent authorities.

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

Sd/-

Assistant Registrar (Cr1.Side)

// True Copy //

Sub Assistant Registrar(CS)



To

- 1.The Secretary to Government,
State of Tamil Nadu,
Department of School Education,
Fort. St. George, Chennai-9.
- 2.The Director of School Education,
College Road, Chennai-6.
- 3.The Chief Educational Officer,
Nagercoil and Post, Kanyakumari District.
- 4.The District Educational Officer,
Thuckalay Educational District,
Thuckalay and Post,
Kanyakumari District.

+1 CC to M/s.SPL GP (SR-81197[F] dated 09/08/2019)

W.P. (MD) .No.19340 of 2013
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sjj
JMN(20.08.2019) 3P : 6C