

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.34018 of 2019
and
WMP No.34616 of 2019

O.Shakeel Ahmed

... Petitioner

.Vs.

1.The State of Tamil Nadu,
Rep.by its Secretary to Government,
School Education Department,
Government of Tamil Nadu,
Fort St.George,
Chennai 600 009.

2.The Director of School Education,
DPI Complex, College Road,
Chennai 600 006.

3.The Chief Educational Officer,
Vellore,
Vellore District.

4.The District Educational Officer,
Vaniyambadi,
Thirupattur District.

5.The Correspondent,
Islamiah Higher Secondary School,
Pernambut,
Vellore District.
Pin: 635 810.

6.The Head Master,
Islamiah Higher Secondary School,
Pernambut,
Vellore District.
Pin: 635 810.

7.Mr.Riyaz Ahmed,
Islamiah Higher Secondary School,
Pernambut,
Vellore District.
Pin: 635 810.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 6 to appoint the petitioner as Economic Teacher in Islamiah Higher Secondary School, Pernambut, Vellore District-635 810 in the sanctioned post by considering his representation dated 22.10.2019.

For Petitioner : Mr.A.Ilayaperumal

For R 1 to R 4 : Mrs.V.Annalakshmi

For R 5 : No Appearance

O R D E R

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents to sanction the appointment of the petitioner for the post of Economics Teacher in the 5th respondent School.

2.The case of the petitioner is that he has joined in the 5th respondent School in the year 2006 as a Computer Instructor. The petitioner did his M.A.Economics through Distance Education and completed the course in the year 2017. After obtaining the qualification, it is the case of the petitioner that he was engaged as an Economics Teacher for the Higher Secondary classes during the year 2017-2018 and 2018-2019 and the petitioner claims that he was able to bring out very high results for the 5th respondent School.

3.The grievance of the petitioner is that the 5th respondent School is now attempting to remove the petitioner and appoint the 7th respondent as the Economics Teacher in the sanctioned post. The petitioner had given a representation in this regard and since the same was not considered, the present writ petition was filed before this Court.

4.The Official Respondents viz; 1 to 4 have filed a counter affidavit to the effect that the School in which the petitioner is working is a minority aided School and the respondents have not received any request from the 5th respondent School seeking for any sanction for the appointment of the petitioner as Economics Teacher. It is further stated in the counter affidavit that the Official Respondents have nothing to do with the attempt made by the School in appointing the 7th respondent by disregarding the service put in by the petitioner. The Official Respondents have taken a very specific stand that as and when any proposal is received from the management of the 5th respondent School, the same shall be considered in accordance with the relevant rules.

5.The 5th respondent has been served with notice and the name has also been printed and there is no appearance either in person or through counsel.

6.Heard Mr.A.Ilayaperumal, learned counsel appearing for the petitioner and Ms.V.Annalakshmi, learned Government Advocate, appearing on behalf of the respondents 1 to 4.

7.The specific case of the petitioner is that he has been engaged by the 5th respondent School from the year 2006 onwards and during the year 2017 to 2019, the petitioner was also engaged as an Economics Teacher. The 5th respondent School being a minority aided school, has the power to appoint and regulate the conditions of service of teacher in the School. The 5th respondent has not appeared before this Court and had not taken a stand with regard the claim made by the petitioner. The Official Respondents will not have any role to play till they officially receive any request from the 5th respondent School management for approval of appointment of any teachers.

8.In view of the above, the relief as sought for by the petitioner cannot be granted by this Court. There can only be a direction to the 5th respondent School to process the papers of the petitioner, if the petitioner has been working in the School from the year 2006 onwards and send the same for approval to the 2nd respondent and the same will be dealt with by the 2nd respondent in accordance with law. Except for giving this direction, no further order can be passed in this writ petition.

Writ Petition is disposed of accordingly. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

सत्यमेव जयते Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

KP
To

1.The Secretary to Government,
State of Tamil Nadu,
School Education Department,
Government of Tamil Nadu,
Fort St.George,Chennai 600 009.

2.The Director of School Education,
DPI Complex, College Road,
Chennai 600 006.

3.The Chief Educational Officer,
Vellore,
Vellore District.

4.The District Educational Officer,
Vaniyambadi,
Thirupattur District.

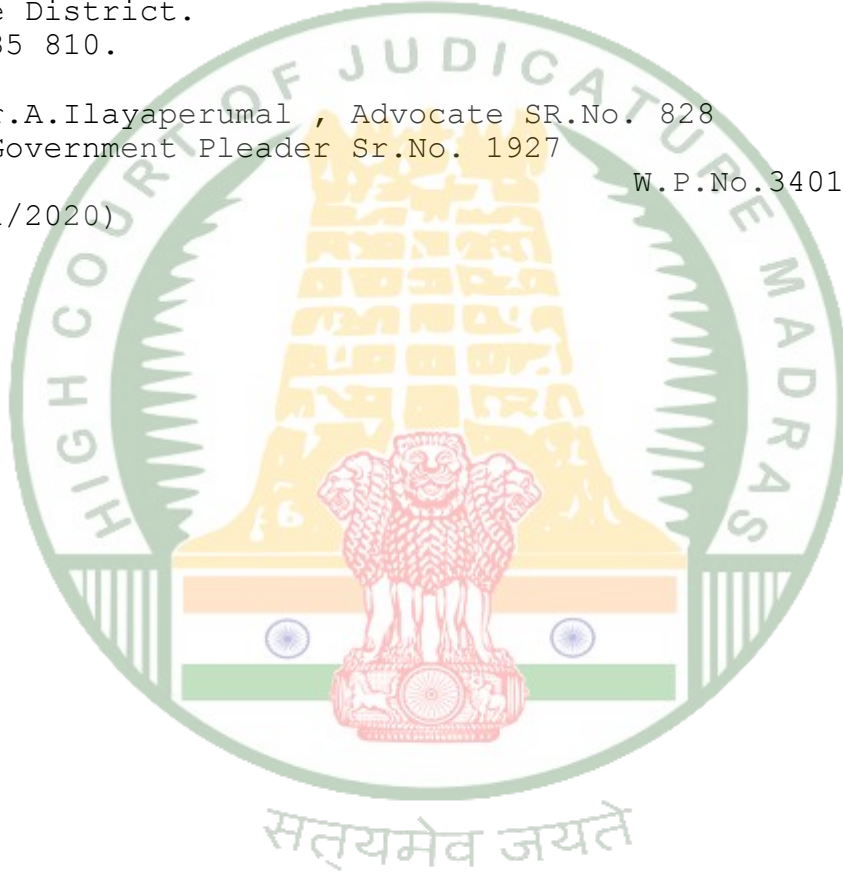
5.The Correspondent,
Islamiah Higher Secondary School,
Pernambut,
Vellore District.
Pin: 635 810.

+1cc to Mr.A.Ilayaperumal , Advocate SR.No. 828

+1 cc to Government Pleader Sr.No. 1927

W.P.No.34018 of 2019

A.SK(31/01/2020)



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