



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.13880 of 2009

G.Arunothaya Selvi

... Petitioner

Vs.

1.The Member Secretary,
Teachers' Recruitment Board,
E.V.K.Sampath Maaligai,
College Road,
Chennai - 6.

2.The Assistant Elementary
Educational Officer,
Vasudevanallur,
Tirunelveli District.

3.The Secretary,
Suyambulingam Primary School,
T.N.Pudugudi, Puliangudi,
Tirunelveli District.

... Respondents

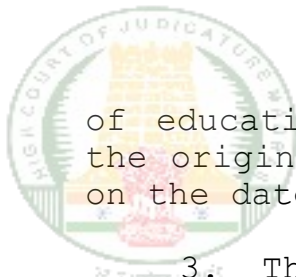
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to appoint the petitioner as Secondary Grade Teacher based on the interview held on 07.10.2009 for recruitment of the year 2007-2008 and 2008-2009.

For Petitioner	:	Mr.S.C.Herold Singh
For R1	:	Mr.V.R.Shanmuganathan Special Government Pleader
For R2	:	Mr.J.Gunaseelan Muthiah Additional Government Pleader
For R3	:	Mr.C.Jeganathan

ORDER

The relief sought for in the present Writ Petition is to appoint the petitioner as Secondary Grade Teacher, based on the interview held on 07.10.2009 for recruitment of the year 2007-2008 and 2008-2009.

2. The grievances of the writ petitioner is that the 3rd respondent failed to furnish the petitioner's original certificates



of educational qualification and therefore, she could not produce the original certificates to the authorities of the 1st respondent, on the date when she called for certificate verification.

3. This Court is of the considered opinion that the 3rd respondent is an aided Institution. Thus, the petitioner has to exhaust the remedy provided under the Tamil Nadu Recognized Private Schools (Regulations) Act, 1973. When an alternate remedy is available under the Statute, no writ petition is entertainable. Exhausting of the statutory remedy is paramount importance before approaching the High Court under Article 226 of the Constitution of India. Only on exceptional circumstances, the appeal remedy can be dispensed with and not otherwise. This being the factum, the petitioner is at liberty to approach the competent authority under the provisions of the statute for the redressal of the grievances and by following the procedures.

4. With these liberties, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MPK

To

1.The Member Secretary,
Teachers' Recruitment Board,
E.V.K.Sampath Maaligai,
College Road,
Chennai - 6.

2.The Assistant Elementary
Educational Officer,
Vasudevanallur, Tirunelveli District.

+1 CC to Mr.C.Jeganathan SR.No.26378.

W.P. (MD)No.13880 of 2009
16.12.2020

(SV2) CO
AP(04/01/2021) 2P 4C