



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **12.02.2020**

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.2677 of 2020

and

W.M.P (MD) No.2301 of 2020

R.Malarvizhi

... Petitioner

vs.

- 1.The State of Tamilnadu,
Rep. by its Secretary to Government,
School Education Department,
Secretariat, Chennai.
- 2.The Chief Educational Officer,
Office of the Chief Educational Office,
Virudhunagar,
Virudhunagar District.
- 3.The District Educational Officer,
Virudhunagar,
Virudhunagar District.
- 4.The Secretary,
Sivanthipatty Nadar Higher Secondary School,
Mamsapuram,
Srivilliputur Via,
Virudhunagar District.
- 5.V.Palanisamy,
The Secretary,
Sivanthipatty Nadar Higher Secondary School,
Mamsampuram,
Srivilliputur via,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the fifth respondent to promote the petitioner as P.G.Assistant (Maths) in the 5th respondent school in the light of Rule 15(4) of the Tamil Nadu Recognized Private Schools (Regulation) Rules, 1974 within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates
For R-1 to R-3 : Mr.M.Karuppasamy
Government Advocate
For R-4 : Mr.K.K.Kannan



ORDER

This writ petition has been filed to direct the fifth respondent to promote the petitioner as P.G.Assistant (Maths) in the fifth respondent school in the light of Rule 15(4) of the Tamil Nadu Recognized Private Schools (Regulation) Rules, 1974.

2.The learned counsel for the petitioner would submit that the petitioner was appointed in the year 2001 and though a vacancy has arisen, the petitioner's request for promotion has not been considered by the fifth respondent.

3.It is her grievance that inspite of several representations being given to the fifth respondent, the same has not been acknowledged by the fifth respondent.

4.The learned counsel appearing for the respondent school would submit that such representations have not been received by the respondent school and if such representations are received, the same would be considered in the light of the Tamil Nadu Recognized Private Schools (Regulation) Act, 1974.

5.The issue as to whether the petitioner is entitled to be promoted to the post of P.G.Assistant (Maths), depends on various factual aspects and as such, this Court may not be justified in stepping into the shoes of the respondents for the purpose of considering the prayer sought for in the present writ petition. Nevertheless, if the petitioner is permitted to give a representation in this regard to the concerned respondents with a further directions for consideration of such representation, the ends of justice could be secured.

6.In consideration of the submission made by both the learned counsels, the petitioner is granted liberty to make a fresh representation to the fifth respondent ventilating his grievance. On receipt of such representation, the fifth respondent herein shall consider it on its own merits and pass appropriate orders in accordance with law within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the petitioner's entitlement to be promoted to the post of P.G.Assistant (Maths).



7. With the above liberty and directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (co)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

cp

To:

1. The Secretary to Government,
State of Tamilnadu,
School Education Department,
Secretariat, Chennai.

2. The Chief Educational Officer,
Office of the Chief Educational Office,
Virudhunagar, Virudhunagar District.

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

+1 CC to MR.K.K.KANNAN, Advocate (SR-5896[F] dated 12/02/2020)

+1 CC to SPL.GP (SR-6122[F] dated 13/02/2020)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-6208[F] dated
13/02/2020)

Order made in
W.P. (MD) No. 2677 of 2020
12.02.2020

MK (06.03.2020) 3P 7C