



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **09.03.2020**
CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD) No.4944 of 2020

S.Gowrilakshmi

.. Petitioner

Vs.

1.The Director of School Education,
College Road, Chennai - 600 006.

2.The Joint Director of School Education,
(Higher Secondary),
College Road, Chennai - 600 006.

3.The Chief Educational Officer,
Trichirapalli District,
Trichy - 620 008.

4.The District Educational Officer,
Trichy - 620 001.

5.The Secretary,
The Girls Higher Secondary School,
Srirangam,
Trichy District.

6.M.Sridevi,
B.T. Assistant,
The Girls Higher Secondary School,
Srirangam,
Trichy District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd respondent to consider the appeal dated 12.12.2019 preferred by the petitioner under Rule 15(4)(A) of the Tamil Nadu Private Schools (Regulation) Act, 1974 for promotion as PG Assistant (Economics) in the 5th Respondent School in accordance with law within a period as may be stipulated by this Court and pass such further or other orders.

For Petitioner : Mr.R.Saravanakumar

For Respondents 1 to 4 : Mr.N.Shanmugaselvam,
Additional Government Pleader.



ORDER

This writ petition has been filed for issuance of a Writ of Mandamus to direct the 2nd respondent to consider the appeal dated 12.12.2019 preferred by the petitioner under Rule 15(4)(A) of the Tamil Nadu Private Schools (Regulation) Act, 1974 for promotion as PG Assistant (Economics) in the 5th Respondent School in accordance with law.

2.Mr.N.Shanmugaselvam, learned Additional Government Pleader takes notice for the respondents 1 to 4. Considering the limited scope of prayer sought for in the writ petition, notice to the respondents 5 and 6, is dispensed with. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

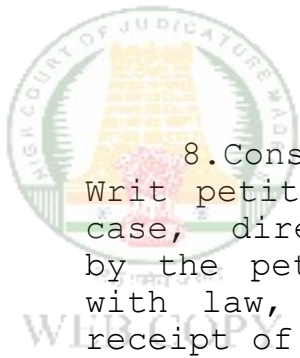
3.The case of the petitioner is that the petitioner was appointed as Secondary Grade Teacher in the year 1997 and thereafter promoted as B.T. Teacher in Economics Subject in the year 2005. She is having qualifications of M.A.(Economics), M.Phil.(Economics) and B.Ed. degree. She is working in the 5th respondent school, which is an aided institution.

4.According to the petitioner, in the 5th respondent school, one post of P.G. Teacher in Economics Subject has become vacant from 01.11.2019 and the 5th respondent management notified the selection process, which was scheduled to be held on 11.11.2019, but postponed to 13.11.2019. Finally, the 5th respondent school appointed the 6th respondent as PG Teacher. Against the same, the petitioner made a statutory appeal to the second respondent, under Rule 15(4)(A) of the Tamil Nadu Recognized Private Schools (Regulation) Act, 1974 on 12.12.2019. But, the 2nd respondent did not pass any orders on the appeal. Therefore, the petitioner has come up with the present writ petition.

5.The learned counsel for the petitioner submitted that the 5th respondent school without proper merit, ability and seniority, has appointed the 6th respondent as PG Teacher, against which, the petitioner filed the statutory appeal and the 2nd respondent did not pass any orders so far. Thus, he prayed to direct the 2nd respondent to dispose of the appeal.

6.The learned Additional Government Pleader appearing for the respondents 1 to 4 submitted that the 2nd respondent will dispose of the appeal filed by the petitioner, within a time frame to be fixed by this Court.

7.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 4 and perused the materials available on record.



8.Considering the limited scope of prayer sought for in the Writ petition, this Court, without adverting to the merits of the case, directs the 2nd respondent to dispose of the appeal preferred by the petitioner, dated 12.12.2019, on merits and in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

9.With the above directions, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Director of School Education,
College Road, Chennai - 600 006.

2.The Joint Director of School Education,
(Higher Secondary),
College Road, Chennai - 600 006.

3.The Chief Educational Officer,
Trichirapalli District,
Trichy - 620 008.

4.The District Educational Officer,
Trichy - 620 001.

+1 CC to Mr.M.SURESH KUMAR, Advocate (SR-10794[F] dated 10/03/2020)

**ORDER MADE IN
W.P(MD)No.4944 of 2020
09.03.2020**

MK (20.03.2020) 3P 6C