



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2020

C O R A M

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THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. (MD) No. 6949 of 2020

St. Arulappan Higher Secondary School,
Rep. by its Correspondent,
Fr. P.Devarajan,
S/o. Ponnu Samy,
Avudayanoor - 627 808,
Tirunelveli District.

... Petitioner

Vs.

1.The Secretary to the Government,
Department of School Education,
St. George Fort,
Chennai.

2.The Director of School Education,
DPI Compound,
College Road,
Chennai.

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

4.The District Educational Officer,
Tenkasi,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus, to direct the Third and Fourth Respondent to approve the appointment of Xavier Rakesh as Physical Educational Director in the Petitioner school from the date of appointment i.e., 06.06.2019 and confer all the consequential benefits.

For Petitioner : Mr. S.Chellapandian

For Respondents : Mrs. S.Srimathy
Special Government Pleader

**O R D E R**

Heard Mr. S.Chellapandian, Learned Counsel for the Petitioner and Mrs. S.Srimathy, Learned Special Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for a direction to the Third Respondent to approve the appointment of Xavier Rakesh as Physical Educational Director in the Petitioner school and to confer all benefits.

3. In response to the aforesaid claim of the Petitioner, the Respondents have filed a counter affidavit, in which it has been stated as follows:

"3. I respectfully submit that the school is having the following strength and the number of teachers

STUDENTS STRENGTH

S. No.	Standards	Strength
1.	6	196
2.	7	187
3.	8	213
4.	9	263
5.	10	284
6.	11	260
7.	12	388
Total	1791	

S. No.	Teachers	Numbers
1.	Headmaster	1
2.	P.G. Assistant	8
3.	Vocational Teacher	2
4.	B.T. Assistant	22
5.	Tamil	4
6.	Secondary Grade Teacher	1
7.	Physical Education Teacher	2
8.	Tailoring	1
	Total	41



4. I respectfully submit that the school has no sanctioned post of "Physical Education Director" and therefore the appointment of the said Mr. Xavier Rakesh is not in any sanctioned post. Therefore the appointment is against law and illegal.

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5. I respectfully submit that the Government has not sanctioned any new post to any schools from 01.07.1999 onwards. Therefore the writ petitioner school is not entitled to any new post of Physical Education Director as claimed in the present writ petition.

6. I respectfully submit that the writ petitioner is seeking one Physical Education Director. As per G.O. Ms. 73 School Education (D1) Department dated 19.03.2010 the school would be eligible to Physical Education Director, if the school is having three Physical Education Teachers, then one post would be converted to Physical Education Director. In the present school there are only two Physical Education Teacher alone and so the school is not eligible for Physical Education Director. I respectfully submit that from any angle the writ petitioner is not entitled to the post and therefore the prayer to approve the appointment will not arise."

In view of the cogent reasons explained by the Respondents, which deserves acceptance, there is no justification in entertaining the Writ Petition.

4. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

sj

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



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