



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2020

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P.(MD) No.7431 of 2014

S.Daniel Suresh

...Petitioner

Vs.

1.The Chief Educational Officer
Trichy District, Trichy.

2.The District Elementary Educational Officer,
Trichy District,
Trichy.

3.Tamil Evangelical Lutheran Church
rep by its Chairman,
Education Board,
P.O.Box No.86, Tranquebar House,
Trichy - 1.

4.The Correspondent,
TELC Middle School,
Kalla Theru,
Trichy - 8.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the second respondent to consider and pass orders on the petitioner's representation dated 27.02.2014 for approval of his appointment as Headmaster in the fourth respondent School with effect from 27.02.2014 and pay him the arrears of salary within the time that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents 1 & 2 : Mrs.S.Srimathy,
Special Government Pleader

For Respondents 3 & 4 : No Appearance



O R D E R

The relief sought for in the present writ petition is to direct the second respondent to consider and pass orders on the representation submitted by the petitioner on 27.02.2014 for approval of his appointment as Headmaster in the fourth respondent School, w.e.f. 27.02.2014.

2.The writ petitioner claims that he is fully qualified for appointment to the post of Headmaster. His initial appointment in the post of B.T. Assistant was approved by the Competent Educational Authority. However, the Management has not considered his name for appointment to the post of Headmaster. Thus, the writ petitioner submitted a representation, which resulted in filing of the present writ petition.

3.Appointment can never be claimed as a matter of right. All appointments are to be made strictly in accordance with the Recruitment Rules in force and equal opportunities must be provided to all the eligible candidates. The fourth respondent Management is a Minority Institution and they have got a right to appoint candidates by following the procedures contemplated. The Educational Department has no say with reference to the appointments in Minority Institution. This being the factum, the writ petition cannot be entertained for the purpose of issuing a direction to the respondents 3 and 4 to appoint the petitioner as Headmaster in the fourth respondent School with effect from 27.02.2014. However, it is made clear at the time of making appointment to the post of Headmaster, the candidates who are all eligible and aspiring to secure appointment ought to be considered in accordance with the regulations which are applicable to the Minority Institutions.

4.With these observations, the relief sought for stands rejected. The writ petition is dismissed. No costs.

Sd/-

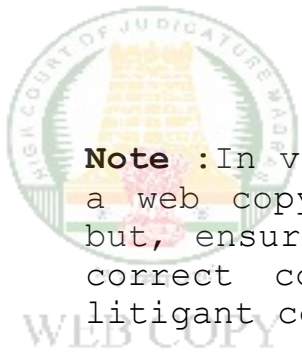
Assistant Registrar(CS-III)

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Sub Assistant Registrar(CS)

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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.

To

1.The Chief Educational Officer
Trichy District, Trichy.

2.The District Elementary Educational Officer,
Trichy District,
Trichy.

+1 CC to M/s.G. THALAIMUTHARASU, Advocate (SR-19247[F] dated
07/10/2020)

+1 CC to M/s.GP (SR-19416[F] dated 08/10/2020)

W.P. (MD) No.7431 of 2014

06.10.2020

KMV (CO)

TR(14.10.2020) 3P 5C