



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.16493 of 2015

G.Arunothaya Selvi

... Petitioner

Vs.

1.The District Elementary
Educational Officer,
Tirunelveli District,
Tirunelveli.

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 respondents herein to permit the petitioner to work in the 3rd respondent school by considering her representation dated 15.06.2015.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.J.Gunaseelan Muthiah
(R1 & R2) Additional Government Pleader

For Respondent-3 : Mr.C.Jeganathan

O R D E R

The relief sought for in the present Writ Petition is to direct the respondents to permit the petitioner to work in the 3rd respondent School, by considering her representation, dated 15.06.2015.

2. The grievances of the writ petitioner is that the petitioner was working as Secondary Grade Teacher in the 3rd respondent School, which is an aided Institution. The petitioner states that she was not allowed to continue in service and therefore, she is constrained to move the present writ petition, seeking the prayer for a direction to permit the petitioner to continue in service.



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. In the present case, the grievances of the petitioner is that she was not allowed to continue in service in an aided Institution / 3rd respondent. 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 District Elementary
Educational Officer,
Tirunelveli District,Tirunelveli.

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

+1 CC to Mr.C.Jeganathan,in SR.No.25928.

+1 CC to Special Government Pleader SR.No.26006.

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