



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.861 of 2014

WEB COPY

Hindu Middle School,
represented by its Secretary,
Sivakamipuram-627 808,
Keelapavoor Range,
Tenkasi Taluk,
Tirunelveli District.

... Petitioner

Vs.

1.The Government of Tamilnadu,
represented by the Secretary to Government,
School Education Department,
Secretariat, Chennai-9.

2.The Director of Elementary School
Education(Private Aided Schools),
College Road, Chennai.

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

4.The Assistant Elementary Educational Officer,
Keelapavoor, office at Pavoor Chatram-627 808,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the order in Na.Ka.No.1256/A1/12, dated 19.11.2012 of the fourth respondent herein and quash the same and consequently direct the respondents herein to sanction one craft Teacher (Tailoring) post to the petitioner's school and release the grant in aid to the said post.

For Petitioner : Mr.Pon Ramkumar

For Respondents : Mrs.S.Srimathy
Special Government Pleader



ORDER

The order dated 19.11.2012 passed by the fourth respondent rejecting the claim of the writ petitioner to restore the post of Craft Teacher (Tailoring) is under challenge in the present Writ Petition.

2. The writ petitioner is Hindu Middle School. The learned Counsel appearing on behalf of the writ petitioner states that as per Right to Free Education Act and the Government policy, the post of Craft Teacher (Tailoring) is to be sanctioned in favour of the School.

3. Learned Special Government Pleader objected the said contention by stating that the sanctioning of the post will be considered based on the students strength and other factors are also to be considered.

4. This Court is of the considered opinion that the impugned order was passed in the year 2012. Every year, inspection is to be conducted by the competent Educational Authorities for sanctioning all posts in various categories in a School. Now, after a lapse of eight years, the current inspection report is to be considered for the purpose of granting sanction of post to the petitioner School. However, the relief as such sought for to direct the respondents to sanction one Craft Teacher (Tailoring) post cannot be issued on account of efflux of time.

5. Under these circumstances, the writ petitioner is at liberty to submit a fresh representation setting out the factual details, students strength and other particulars to the competent authorities and the competent authorities, on receipt of any such representation, is bound to consider the same with reference to the rules in force and as per the inspection report and other factors for sanctioning of Craft Teacher (Tailoring) post.

6. With the above observations, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SSL

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The the Secretary to Government
Government of Tamilnadu,
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+1 CC to M/s.GP (SR-21083[F] dated 04/11/2020)

+1 CC to M/s.T.PON RAMKUMAR, Advocate (SR-20881[F] dated 03/11/2020

W.P. (MD) No.861 of 2014

02.11.2020

CK(CO)

TR(10.11.2020) 3P 7C