

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.12731 of 2021

P.Karunagaran

.. Petitioner

vs.

1.The State of Tamil Nadu,
rep. by Chief Secretary,
Fort St. George,
Chennai - 600 009.

2.The State of Tamil Nadu,
rep. by its Principal Secretary,
Department of School Education,
Fort St. George,
Chennai - 600 009.

3.The Commissioner of School Education,
O/o. The Commissioner of School Education,
DPI Campus,
Chennai - 600 006.

4.The Director of School Education,
O/o. The Director of School Education,
DPI Campus,
Chennai - 600 006.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to consider the petitioner representation dated 28.05.2021 and appoint the Director of School Education as head of department from among the promotes, instead of appointing the officers from Indian Administration Service within a time frame as fixed by this Hon'ble Court.

For Petitioner : Mrs.Narmatha Sampath
for M/s.T.C.Gopalakrishnan

For Respondents : Mr.R.Shunmugasundaram
Advocate-General
assisted by
Ms.Shabnam Banu
Counsel for the State

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

There is no merit in the petition as the petitioner seeks to challenge a government notification of May 14, 2021 appointing a person from the Indian Administrative Service cadre as the Commissioner of School Education.

2. According to the petitioner, the post of Commissioner may have been mistakenly identified as that of the Director of School Education. The petitioner says that what the impugned notification has done may amount to the merger of the posts of the Commissioner of School Education and the Director of School Education. The petitioner refers to a previous government notification of November 20, 2019.

3. Apart from the fact that in matters pertaining to service and appointment to a particular post, which is within the exclusive domain of the executive, the Court tends not to interfere unless gross illegality is pointed out, it appears that the post of the Commissioner of School Education was included in the cadre strength of Indian Administrative Service with effect from June 6, 2014 and the same is evident from the notification of November 20, 2019.

4. Learned Advocate-General, representing the State, says that this is the third Indian Administrative Service officer who has been appointed as the Commissioner of School Education and the post has always been occupied by an officer of the Indian Administrative Service since the time it has been included within the fold of Indian Administrative Service from 2014 or, at any rate, from the publication of the previous notification of November 20, 2019.

5. The petitioner, claiming to be a retired school teacher, may have some personal ideas as to what class of persons would be best suited to be the Commissioner. As of now, it appears that an officer of the Indian Administrative Service cadre has

to be appointed to such post and as to the choice of the officer of the Indian Administrative Service cadre, the Court cannot interfere into what is clearly within executive domain.

There is no merit in the petition and W.P.No.12731 of 2021 is dismissed. W.M.P.No.13525 of 2021 is closed. There will be no order as to costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sasi/bbr

To:

- 1.The Chief Secretary,
State of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
- 2.The Principal Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St. George,
Chennai - 600 009.
- 3.The Commissioner of School Education,
O/o. The Commissioner of School Education,
DPI Campus,
Chennai - 600 006.
- 4.The Director of School Education,
O/o. The Director of School Education,
DPI Campus,
Chennai - 600 006.

W.P.No.12731 of 2021

PCH(CO)

A.SK(13.07.2021)

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