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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **17.11.2021**
CORAM:
THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
W.P.(MD)No.11585 of 2018
and
W.M.P.(MD)No.10551 of 2018

M.Prakasa Shakila ...Petitioner

/Vs./

1.The Chief Educational Officer,
Tuticorin, Tuticorin District.

2.The District Educational Officer,
Tuticorin, Tuticorin District.

3.The Most Rev. Bishop / Manager,
Roman Catholic Schools,
Catholic Bishops House,
82, Great Cotton Road,
Tuticorin – 628 001,
Turicorin District.

4.The Superintendent of Schools,
RC Schools of Tuticorin Diocese,
Catholic Bishops House,
82, Great Cotton Road,
Tuticorin – 628 001, Tuticorin District.

5.The Correspondent,
St.Antony's High School,
M.Saveriarpuram, Tuticorin District. ...Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 3 to 5 to appoint the petitioner as BT Assistant in Science in the 5th respondent School, namely St.Antony's High School M.Saveriarpuram, Tuticorin District in the retirement Vacancy of J.Mercy Bai (Headmistress / BT Assistant) on 31/05/2018.

For Petitioner : Mr.S.Xavier Rajini

For R1 & R2 : Mr.A.K.Manikkam
Special Government Pleader

For R3 to R5 : Mr.V.John Kennedy
for M/s.Father Xavier Associates

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ORDER

The petitioner has sought a mandamus, directing R3 to R5 ie., Most Rev. Bishop/Manager, Roman Catholic Schools/R3, Superintendent of Schools, RC Schools of Tuticorin Diocese/R4 and The Correspondent, St.Antony's High School/R5 respectively, to appoint the petitioner as BT Assistant in Science in R5 School, in the vacancy caused by the retirement of J.Mercy Bai on 31.05.2018 in the post of Headmistress.

2.The Mandamus as sought for is not liable to be granted for several reasons. Firstly, the appointment or otherwise of the petitioner is entirely dependant upon whether she possesses requisite qualification and is a matter of examination by R5 School.

3.Secondly, whether there is a vacancy in the sanctioned post or otherwise is also not within the domain of knowledge of this Court. Thirdly, R5 School is a minority institution and thus, regulated by its norms relating to appointments and thus, it would not be appropriate for Court to issue a direction in the nature of mandamus as sought for by the petitioner.

4.Learned counsel draws attention to the representations filed by the petitioner seeking similar relief, as sought for in this writ petition. The petitioner is at liberty to pursue these representations with the school and R5 School will to take an appropriate view in regard to the approval of the petitioner, should a vacancy arise and should the candidate be so suitable.

5.With these observations, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

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.

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To

1.The Chief Educational Officer,
Tuticorin, Tuticorin District.

2.The District Educational Officer,
Tuticorin, Tuticorin District.

3.The Correspondent,
St.Antony's High School,
M.Saveriarpuram, Tuticorin District.

+1 CC to M/s.FATHER XAVIER ASSOCIATES, Advocate (SR-34909[F] dated 18/11/2021)

+1 CC to M/s.SPL GP (SR-34965[F] dated 18/11/2021)

+1 CC to M/s.S. XAVIER RAJINI, Advocate (SR-35213[F] dated 19/11/2021)

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RK(10/01/2021) 3P 7C

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