



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 08.12.2021

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

WEB COPY

W.P.(MD)Nos. 12999 and 13000 of 2018

and

W.M.P.(MD) Nos. 11884 and 11885 of 2018

Tamil Nadu Graduate Teacher's Association,
Represented by its Director Secretary,
S. Murugan,

A 21, Angayarkanni Street,
Alagappan Nagar,
Madurai - 625 003.

...Petitioner in
W.P.(MD)Nos. 12999 of 2018

K. Stalin Prabhu

...Petitioner in
W.P.(MD)Nos. 13000 of 2018
Vs.

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
School Education Department,
Fort St. George,
Chennai - 9.

2. The Director of School Education,
Nugambakkam,
Chennai - 6.

3. The Joint Director of School Education (Personnel),
O/o. The Joint Director of School Education,
Nugambakkam, Chennai - 6.

4. The Chief Educational Officer,
O/o. The Chief Educational Office,
Thallakulam,
Madurai -2,
Madurai District.

5. The District Educational Officer,
O/o. The District Educational Officer,
Thallakulam,
Madurai - 2,
Madurai District.

.. Respondents in both Wps.



Prayer in both Wps.: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of mandamus, forbearing the respondents from proceeding with the counselling scheduled to be held on 19.06.2018 or in any other subsequent dates for deployment of B.T. Assistants without fixing the strength of teachers independently for English medium classes for VI to X Standard and duly publishing the said list in terms of G.O.Ms.No.525 School Education Department dated 29.12.1997 and consequently to direct the respondents to earmark teachers independently for English Medium Classes in VI to X Standard in compliance of proceedings of the second respondent in Na.Ka.No.055838/C3/E1/2017 dated 16.04.2018 and publish the same and to conduct the counselling thereafter transparently and pass orders.

For Petitioner : Mr. Mohammed Suhail
for M/s. Ajmal Associates

For Respondents : Mr. A.K. Manikkam,
Special Government Pleader

COMMON ORDER

These two writ petitions have been filed by the Tamil Nadu Graduate Teacher's Association represented by its District Secretary and one of the members of the aforesaid association.

2. The prayer in both writ petitions is identical, and for a mandamus forbearing the respondents from proceeding with the counselling for BT Assistant that was to be held on 19.06.2018 and for a direction to the respondents to earmark teachers independently for English Medium Classes for VI Standard to X Standard in compliance of proceedings dated 16.04.2018 issued by the Director of School Education/R2.

3. Learned counsel for the petitioner would submit that as far as the first limb of the prayer is concerned, it is infructuous as on date. The writ petition qua this prayer is thus dismissed.

4. As far as the second limb of the prayer is concerned, there have been no instances of non-compliance with the directions set out in proceedings dated 16.04.2018 in either of the two writ petitions being ordered now. In the absence of an allegation of specific violation, this court is not in a position to consider the request for a mandamus in sheer vacuum.

5. Suffice it to say that it is always open to specific petitioners to bring to the notice of the authorities specific instances of violations or non-compliance of binding orders, if any, or this Court, if the pleas before the authorities fail.



6. With this liberty, the second limb of the prayer is also dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS I)

// 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

To

1. The Secretary to Government,
The State of Tamil Nadu,
School Education Department,
Fort St. George, Chennai - 9.
2. The Director of School Education,
Nugambakkam, Chennai - 6.
3. The Joint Director of School Education (Personnel),
O/o. The Joint Director of School Education,
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4. The Chief Educational Officer,
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Madurai -2,
Madurai District.
5. The District Educational Officer,
O/o. The District Educational Officer,
Thallakulam,
Madurai - 2, Madurai District.

+2 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-37958[F] SR-37959[F]
dated 09/12/2021)

+1 CC to M/s.SPL GP (SR-38125[F] dated 10/12/2021)

W.P. (MD) Nos. 12999 and 13000 of 2018

and

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MGJ(08.02.2022) 3P 9C