



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P. (MD)No.18679 of 2017

and

W.M.P. (MD)No.15070 of 2017

WEB COPY

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... Petitioner

Vs.

1.The Principal Secretary to the State of Tamil Nadu,
School Education Department,
St.George Fort,
Chennai.

2.The Director of School Education,
E.V.K.Sampath Maligai,
DPI Compound,
College Road,
Chennai-600 006.

3.The Joint Director of School Education (Employees Wing),
O/o.The Director of School Education,
DPI Compound,
College Road,
Chennai-600 006.

4.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.

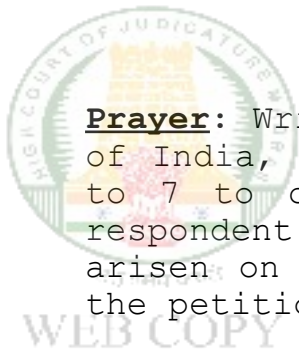
5.The District Educational Officer,
Thuckalay Educational District,
Thuckalay,
Kanyakumari District.

6.The Superintendent of Roam Catholic Schools,
Diocese of Kottar,
Nagercoil,
Kanyakumari District.

7.The Correspondent/Parish Priest,
All Saints Hr.Sec.School,
Muttom-629 202,
Kanyakumari District.

8.A.Jeryn Yasoda

... Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 7 to cancel the appointment of the 8th respondent in the 7th respondent School in the Secondary Grade Teacher vacancy that had arisen on account of the retirement of Mrs.Arunodayam and appoint the petitioner to the said post.

For Petitioner : Mr.C.K.M.Appaji
For R1 to R5 : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader
For R6 to R9 : Mr.K.Prabhu
for M/s.Isaac Chambers

O R D E R

This writ petition has been filed for a direction to the respondents 1 to 7 to cancel the appointment of the 8th respondent in the 7th respondent School in the Secondary Grade Teacher vacancy that had arisen on account of the retirement of Mrs.Arunodayam and appoint the petitioner to the said post.

2. The case of the petitioner is that the petitioner is a M.Phil., Graduate in Zoology and M.A., graduate in English and she has completed B.Sc., Zoology in 1989, M.Sc., in 1991, B.Ed., in 1994 and M.Phil., in July 2008 and thereafter, completed B.A., English in 2013 and M.A.English in March 2016. The petitioner is a baptized member of the Roman Catholic Church and her marriage was solemnised on 29.06.1996 and thereafter, she shifted to her matrimonial home at Muttom, Kanyakumari District and became the baptized member of the All Saints Church, Muttom. The 7th respondent School is attached with the Church of All Saints, Muttom. While so, the petitioner has made an application before the Parish Priest Church of All Saints, Muttom on 31.08.1999 and her name is listed as No.1 in the Seniority List for Graduate Science Teachers, prepared by the 7th respondent, dated 22.05.2017. The 8th respondent is the B.A., B.Ed., graduate in History. After her marriage, she has preferred an application to the 7th respondent and her name is found as No.2 in the Seniority List of History Graduates maintained by the 7th respondent. While so, in March 2017, a vacancy arose for Secondary Grade Teacher in the 7th respondent School, on account of the retirement of Mrs.Arunodayam. The petitioner being the senior most candidate, having registered her name way back in the year 1999, the 8th respondent was appointed in the said post, on the recommendation made by the sixth respondent. Hence, the petitioner has filed the present writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that contrary to the seniority list maintained by the 7th respondent School, the sixth respondent has proposed the name of the 8th respondent for appointment as Secondary Grade Teacher in the existing vacancy. Hence, he prayed for allowing of this writ petition.



4. The learned Additional Government Pleader appearing for the respondents 1 to 5 would submit that in respect of the appointment, the 7th respondent is an aided minority institution and on their own, they can appoint and the official respondents can question, while approving the appointment, if such appointment is due to lack of qualification and except this ground, no ground is available to interfere with the administration of the aided minority institution.

5. Heard the learned counsel for the petitioner, learned counsel appearing for the respondents and perused the materials available on record.

6. Considering the facts and circumstances of the case, in the present case, the petitioner seek direction to the respondents 1 to 7 to cancel the appointment of the 8th respondent in the 7th respondent School. However, the petitioner has not challenged the said appointment. However, without challenging the appointment order issued in favour of the 8th respondent, the prayer sought for in this writ petition is wholly unsustainable. Hence, the prayer in the writ petition is misconceived. Accordingly, this Writ Petition is dismissed with liberty to the petitioner to work out the remedy, in the manner known to law. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2021

Sub Assistant Registrar(CS)

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To

- 1.The Principal Secretary to the State of Tamil Nadu,
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St.George Fort,Chennai.
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4.The Chief Educational Officer,
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Kanyakumari District.

5.The District Educational Officer,
Thuckalay Educational District,
Thuckalay,
Kanyakumari District.

+1 CC to M/s.SPL GP (SR-12538[F] dated 19/03/2021)

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-12610[F] dated 19/03/2021)

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