



W.P.(MD)No.15116 of 2012

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.07.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.15116 of 2012

and

M.P.(MD)Nos.1 & 2 of 2012

The Secretary
Karapettai Nadar Higher Secondary School,
Tuticorin District.

... Petitioner

Vs.

1. The Chief Educational Officer,
Tuticorin District.
Tuticorin – 628 002.

2. G.J.Ramachandran
The Chief Educational Officer,
Tuticorin District,
Tuticorin – 628 002.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the first respondent Chief Educational officer in O.Mu.No.5180/Aa4/2012,



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dated ..10.2012 (signed on 01.10.2012) refusing permission to fill up the only post of Physical Director lying vacant in the School, quash the same and further direct the first respondent Chief Educational Officer to grant permission forthwith to fill up the said post by way of direct recruitment.

For Petitioner : Mr.T.Lajapathi Roy

For R1 : Mr.V.Nirmal Kumar
Government Advocate

For R2 : No appearance

ORDER

The present writ petition has been filed challenging an order passed by the first respondent herein under which the request of the petitioner school for appointing Physical Education Director through direct recruitment was rejected.

2. A perusal of the impugned order shows that the rejection order was passed on the ground that two eligible Physical Education Teachers are available in the school, both of them have been placed under suspension by the management. Only after promoting any one of



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them as Physical Education Director, a request for appointment of Physical Education Teacher could be sought for by the school Management.

3. The learned Counsel for the petitioner submits that both the Physical Education Teachers who were suspended by the Management have been reinstated in service and hence, the impediment pointed out in the impugned order does not survive any longer. The said statement is recorded.

4. The petitioner is at liberty to make a fresh application to the first respondent herein for appointment of a Physical Education Director. The first respondent herein shall consider the request either to permit direct recruitment or by way of promotion depending upon the existence of the Teachers. On receipt of such application, the first respondent shall pass orders within a period of twelve weeks from the date of application.

5. With the above said observations, this Writ Petition stands



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allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes / No
jbr

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To

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2. G.J.Ramachandran
The Chief Educational Officer,
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R.VIJAYAKUMAR ,J.

jbr

Order made in
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