



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.4003 of 2022

and

W.M.P.(MD) Nos.3430 & 3431 of 2022

K.Gandhi

... Petitioner

-vs-

- 1.The Principal Secretary to Government,
Department of School Education,
Fort St. George, Chennai - 600 009.
- 2.The Director of School Education,
Chennai - 600 006.
- 3.The Joint Director of School Education,
Chennai - 600 006.
- 4.The Chief Educational Officer,
Pudukottai District, Pudukottai.
- 5.The District Educational Officer,
Pudukottai District, Pudukottai.
- 6.Ranees Government High School,
Rep. by its Head Master, Pudukottai.
7. Guru Marimuthu

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the 2nd respondent dated 08.01.2020 (received by the petitioner on 01.02.2022) made in Na.Ka.No.05090/C2/E1/2018, quash the same and consequently direct the second respondent to transfer and appoint the petitioner as Deputy Inspector of School.

For Petitioner : Mr.K.Rajasekaran

For R1 to R5 : Mr.G.V.Vairam Santhosh
Additional Government Pleader



O R D E R

The relief sought for in the present writ petition is to quash the order of appointment of the 7th respondent as Deputy Inspector of Schools, in proceedings dated 08.01.2020.

2.The petitioner is working as B.Ed., teacher in the 6th respondent-School.

3.The grievance of the writ petitioner is that the 7th respondent, who was appointed as Deputy Inspector of School, is not qualified to hold the post as per the rules in force and therefore, his opportunity is taken away for considering his case for appointment to the post of Deputy Inspector of School.

4.The 7th respondent was appointed on 08.01.2020 and the writ petition is filed on 02.03.2022 after a lapse of about two years and the 7th respondent is continuing as Deputy Inspector of School for more than two years.

5.This Court is of the considered opinion that if at all the petitioner states that the 7th respondent is not qualified, he has to submit appropriate compliant before the competent authority along with the proof to establish that the 7th respondent is not qualified. The authorities competent even otherwise also, empowered to verify the qualifications of the 7th respondent whether he is qualified to hold the post of Deputy Inspector of School as per the rules or not. After ascertaining the qualifications, all appropriate steps are to be taken.

6.In view of the facts and circumstances, respondents 1 to 3 are directed to verify the qualification of the 7th respondent with reference to the service rules and take a decision as expeditiously as possible.

7.With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

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- 5.The District Educational Officer,
Pudukottai District, Pudukottai.

+1 CC to M/s.K.RAJASEKARAN, Advocate (SR-9997[F] dated 04/03/2022)

+1 CC to M/s.SPL GP (SR-10160[F] dated 04/03/2022)

W.P.(MD) No.4003 of 2022
04.03.2022

MGJ(17.03.2022) 3P 8C