



W.P.(MD).No.15320 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2022

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.15320 of 2014

V.Muthumeenakshi

... Petitioner

Vs.

1.The District Educational Officer,
District Educational Office,
Tenkasi,
Tirunelveli District.

2.The President,
Lakshmi Hari Hara High School,
Elathur, Tenkasi,
Tirunelveli District-627 803.

3.K.Sailapathy Sivagnanam,
Secretary,
Lakshmi Hari Hara High School,
Elathur, Tenkasi,
Tirunelveli District-627 803.

4.Swarna Rajah,
Secretay,
Lakshmi Hari Hara High School,
Elathur, Tenkasi,
Tenkasi District.

... Respondents

*(R4 is impleaded vide Court order, dated 22.06.2022 in
W.M.P(MD)No.8732 of 2022)*



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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 proceedings in Na.Ka.No.319/2014 dated 07.04.2014 and the consequential proceedings in Na.Ka.No.320/2014 dated 08.04.2014 of the 2nd and 3rd respondents and quash the same and consequently direct the respondents 2 and 3 to consider the petitioner for the post of Tamil Pandit in their school.

For Petitioner : Mr.D.Saravanan

For R1 : Mr.Sadiq Raja
Government Pleader

For R2 : Mr.R.Anandharaj

For R3 : No Appearance

ORDER

The present writ petition has been filed to quash the order, dated 07.04.2014 and 08.04.2014 and consequently, direct the respondents 2 and 3 to consider the petitioner for the post of Tamil Pandit.

2. The brief facts of the case are that the petitioner joined the private respondents school on 01.08.1990. According to the petitioner, she has completed B.Lit. in the year 1993. Thereafter, she has completed M.A. degree in the year 2000 and B.Ed. in the year 2009. The petitioner has filed this writ



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petition claiming Tamil Pandit post that is available in the 3rd respondent school.

3. The contention of the school is one Mr.Venkatesan, who was serving as Tamil Pandit was promoted as Headmaster on 01.06.2010. In that vacancy, the school had intended to fill up by calling applications from the open market. The school has sought prior permission from the education department. Thereafter, the educational authorities had granted permission. Based on the permission, one Prabhavathy was appointed on 03.01.2011. Aggrieved over the same, the petitioner started her litigation. The petitioner has submitted before the educational authorities that when the in-service candidate is available within the school, the school cannot fill up the post by calling candidates from open market. Because of the litigation, the educational authorities declined to approve the appointment of said Prabhavathy. The school was directed to conduct an enquiry after accepting the petitioner's claim. The issue was presented before the school committee. After hearing the grievances of the petitioner, the impugned order was passed. Aggrieved over the same, the petitioner has preferred this writ petition.



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4. The school committee has called the petitioner to submit the educational particulars of the petitioner. On perusing the educational particulars, the school came to know about the fact that the petitioner has completed B.Lit. in the year 1999, M.A. in the year 2000 and B.Ed. in the year 2009. It is an admitted fact that the petitioner was appointed in the school on 01.08.1990. While she was in service, she has completed these three courses. The school was astonished by said facts, since the petitioner had never sought any permission from the school to complete these three courses. Whenever any candidate wants to pursue higher studies, they should obtain prior permission from the school as well as educational authorities. So that the school will not be affected because of the leave that would be sought for by the candidate. In the present case, without informing the school or the educational authority, the petitioner has completed three degrees. The petitioner has not claimed to enter the qualification in her service record as well. Since the educational qualification was not entered in the service record, the school was not aware of the fact that the petitioner is having the educational qualifications when the school intended to fill up in the available post. Therefore, they have filled up the vacancy through open market. Since the petitioner has not claimed prior to 23.04.2013 that she is in possession of these three qualifications, the school committee has not offered the post to the petitioner. The claim of the petitioner



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is a belated claim that too after appointment of one Prabhavathy. In such circumstances, the petitioner is not entitled to appoint in the post during the vacancy that arose in the year 2010. The petitioner is still in service and claiming the post. However, since there is no student strength, the said post was surrendered to the Directors of common pool. As on date, there is no post of Tamil Pandit in the respondent school. Therefore, the claim of the petitioner cannot be entertained.

5. In view of the above said facts, this Writ Petition stands dismissed. No costs.

19.12.2022

Index : Yes / No
Internet : Yes/ No
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To

The District Educational Officer,
District Educational Office,
Tenkasi,
Tirunelveli District.



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S.SRIMATHY, J.

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