



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:02.03.2022

CORAM:

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM**

WEB COPY

W.P. (MD)No.22925 of 2019

and

W.M.P(MD)Nos.19680 and 19682 of 2019

C.Berlin

... Petitioner

Vs.

1. The Director of School Education,
College Road, Chennai-600 006.
2. The Joint Director of School Education,
College Road, Chennai-600 006.
3. The Chief Educational Officer,
Tirunelveli, Tirunelveli District.
4. The District Educational Officer,
Valliyoore, Tirunelveli District.
5. The Correspondent,
St.Terasa's Higher Secondary School,
Vadakkankulam-627 116,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 4th respondent DEO in O.Mu.No.1726/Aa2/2017 dated 26.06.2017 (in so far as approving the appointment of petitioner as BT Assistant in Maths w.e.f 16.03.2017 instead of 03.06.2016) and the proceedings of the 2nd Joint Director in Oo.Mu.No.057322/D2/E3/2017 dated 12.12.2018 rejecting the appeal preferred by the school seeking approval from the date of appointment of petitioner, quash the same, and further direct the respondents 2 to 4 herein to approve forthwith the appointment of petitioner as BT Assistant in Maths in the petitioner school w.e.f the date of her actual appointment i.e 03.06.2016 and disburse grant-in-aid towards her salary and other attendant benefits.

For Petitioner

: Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers

For R1 to R4

: Mr.G.V.Vairam Santhosh
Additional Government Pleader

For R5

: No appearance



ORDER

The power of judicial review of the High Court under Article 226 of the Constitution of India, is to ensure the process through which a decision is taken by the competent authority in consonance with the Statute and Rules, but not the decision itself.

2.In the present case, the decision taken by the authorities in respect of the transfer order is to approve the same from a particular date, which is not agreeable to the petitioner management, as they claimed the order was passed much earlier to that of the date of approval.

3.This is a disputed question of fact, which requires adjudication with reference to the documents and evidence in original. The issue involves that the issuance of transfer order by the private minority school management, the communication of the order of transfer to the competent authorities and all other relevant factors. Such disputed issues cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India and therefore, the petitioner has to approach the competent appellate authority under the provisions of the Act for the purpose of factual adjudication and to redress her grievance.

4.This being the factm established, the petitioner is at liberty to approach the competent appellate authority under the provisions of the Act for redressal of her grievance in the manner known to law.

5.In view of the above, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD I)

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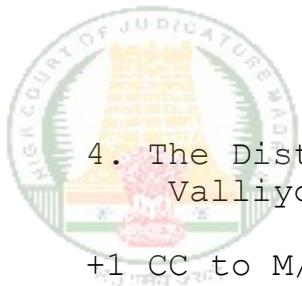
/ /2022

Sub Assistant Registrar(CS)

Ns

To

1. The Director of School Education,
College Road, Chennai-600 006.
2. The Joint Director of School Education,
College Road, Chennai-600 006.
3. The Chief Educational Officer,
Tirunelveli, Tirunelveli District.



4. The District Educational Officer,
Valliyoora, Tirunelveli District.

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-9824[F] dated 03/03/2022)

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+1 CC to M/s.SPL GP (SR-9759[F] dated 03/03/2022)

W.P. (MD) No.22925 of 2019

02.03.2022

MGJ(18.03.2022) 3P 7C