



W.P.No.301 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2023

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.301 of 2020
and W.M.P.Nos.346 of 2020 & 12540 of 2023

M.H.Mueedur Rahman

...

Petitioner

/vs/

1. The Principal Secretary,
Department of School Education,
Govt. of Tamil Nadu,
St. George Fort, Secretariat,
Chennai – 600 009.
2. The Director,
Directorate of School Education,
DPI Complex, College Road,
Chennai – 600 006.
3. The Chief Educational Officer,
Vellore – 632 001
Vellore District.
4. The District Educational Officer,
Vaniyambadi – 635 751.
5. The Correspondent,
Islamiah Higher Secondary School,
Pernambut – 635 810
Vellore District.



W.P.No.301 of 2020

6. A.HumayunBasha
Headmaster – Incharge,
Islamiah Higher Secondary School,
Pernambut – 635 810
Vellore District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus to direct the respondents 1 to 5 to appoint the petitioner as Head Master in Islamia Higher Secondary School, Pernambut, Vellore District – 635 810 by considering his hard work, dedication and the fifth respondent's promises, assurances made to the petitioner and as well as the petitioners detailed representation dated 22.10.2019.

For Petitioner ... Mr.Father Xavier
Senior Counsel
for Mr.Sharath P.Nair

For Respondents ... Mr.G.Nanmaran
Special Govt. Pleader for R1 to R4
Ms.R.Dakshayani Reddy
Senior Counsel
for Ms.Suneetha for R5



W.P.No.301 of 2020

ORDER

The petitioner has filed this writ petition to appoint himself as the Head Master of the fifth respondent school.

2. Since the fifth respondent school is a minority institution, the special discretion to decide the persons who needs to be in the administration of the school goes with the management under Article 30 of the Constitution of the India which guarantees the said right to the minority institutions in respect of selection and appointment. Since the petitioner has filed this petition in contradiction to the basic principles that would govern the selection and appointment in respect of the minority institution, the above petition itself will not lie.

3. Ms.Dakshayani Reddy, the learned Senior Counsel for the fifth respondent, submitted that there are seniors ahead of the petitioner and the petitioner cannot claim any promotion to the post of 'Head Master' as a matter of right by overlooking the seniors. It is further submitted that the fifth respondent school will consider the rightful person to be appointed as the Head Master by taking into account of all the relevant and attendant



W.P.No.301 of 2020

circumstances.

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4. The argument of the learned counsel for the petitioner is acceptable in view of the special nature of the educational institution being a minority one. Since the petitioner has claimed a direction which cannot be issued against the minority institution, it lacks in merits.

5. Thus, the Writ Petition is dismissed. No costs. Connected miscellaneous petitions are closed.

18.12.2023

Index: Yes / No
Speaking order / Non-speaking order
bkn



W.P.No.301 of 2020

To:

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W.P.No.301 of 2020

R.N.MANJULA ,J.

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W.P.No.301 of 2020

18.12.2023