



W.P.No.15673 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.15673 of 2012 and
MP.No.1 of 2012

J.Juliet Pritha

... Petitioner

Vs.

- 1.The Secretary to Government of Tamilnadu,
Department of School Education,
Secretariat, Fort St.George,
Chennai-9
- 2.The Director and State Project Director,
Directorate of School Education,
DPI Complex, College Road,
Chennai 600 006
- 3.Chief Educational officer,
Office of the Chief Educational Officer,
Kancheepuram
- 4.District Educational officer,
Office of the Chief Educational Officer,
Chengulpattu
- 5.The Correspondent,
Little Flower Girls Higher Secondary School,
Cheyyur, Cheyyur Taluk,
Kancheepuram District
- 6.The Head Mistress,
Little Flower Girls Higher Secondary School,
Cheyyur, Cheyyur Taluk,
Kancheepuram District
- 7.Sowriyamma



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8.Poulina Marrie

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of mandamus directing the respondents 3 to 6 to consider the representation and legal notice of the petitioner dated 29.04.2012, 05.05.2012 and 27.05.2012 respectively and consequently forbear the respondents from any manner filling up the vacant posts of science and social science teachers in the fifth respondent's school.

For Petitioner : Mr.R.Harikrishnan
for M/s.MCGAN Law firm

For Respondents
For R1 to 4 : Mr.K.H.Ravikumar,
Government Advocate

For R5 to 7 : No Appearance

ORDER

This writ petition has been filed for direction to the respondents 3 to 6 to consider the petitioner's representation and for forbearing them from filling up the vacant posts of Science and Social Science Teachers in the fifth respondent's school.

2. The petitioner was appointed in the fifth respondent's school under consolidated salary. Whenever vacancy arises for teachers, the



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school management used to pick the teachers among those who are working under the consolidated salary by giving preference. However, the petitioner was not considered by the fifth respondent's School for the vacancy. Therefore, she submitted representation.

3. Heard, the learned counsel appearing on either side.

4. On perusal of the counter filed by the fourth respondent, revealed that when one, Genovia Meera went on maternity leave for the period from 11.10.2008 to 08.01.2009, the petitioner was allowed to work as leave substitute in the place of her. Thereafter, she was relieved from the said post. That apart, standards 9 to 12 are self financed and the petitioner's service was needed by the management under consolidated salary. Therefore, the request for regularisation of her service cannot be considered. Only if the petitioner is appointed in the regular vacancy, her appointment to be sent for approval. Admittedly, the fifth respondent's school is an aided school till 8th standard, and from 9th standard, it is a self financed school. Therefore, question of regularisation of the



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petitioner's service doesn't arise since she was working as BT Assistant for students of 9th standard to 12th standard. Hence, the relief sought for in this writ petition cannot be considered and it is liable to be dismissed.

5. Accordingly, this writ petition is dismissed. Consequently, consequently connected miscellaneous petition is closed. There shall be no order as to costs.

18.08.2023

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

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- 7.The Government Advoate,
High Court, Madras.

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