



WEB COPY



W.P.No.27853 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.27853 of 2023 and
W.M.P.No.27347 of 2023

A.R.Rajkumar

... Petitioner

Versus

1.The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.

2.The Chief Educational officer,
Tirupattur District,
Tirupattur.

3.The District Educational Officer (Secondary),
Tirupattur Educational District,
Tirupattur.

4.The Secretary,
Hindu Higher Secondary School,
Karumbur – 635 811,
Tirupattur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to fill up the vacancy to the post of P.G Assistant (Commerce) in 4th respondent school in consideration of the petitioner in accordance with Rule 28(2)(a)(ii) of Tamil Nadu Private Schools (Regulation) Rules, 2023, based on merit and ability, with all consequential benefits including approval of promotion and representation dated 16.08.2023.



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For Petitioner : Mr.G.Sankaran, Senior Counsel for
S.Nedunchezhiyan
For Respondents : Mr.S.Arumugham,
Government Advocate-R1 to R3

ORDER

This Writ Petition has been filed to direct the respondents to fill up the vacancy to the post of P.G Assistant (Commerce) in 4th respondent School in consideration of the petitioner in accordance with Rule 28(2)(a)(ii) of Tamil Nadu Private Schools (Regulation) Rules, 2023, based on merit and ability, with all consequential benefits including approval of promotion and representation, dated 16.08.2023.

2.The contention of the learned Senior Counsel appearing for the petitioner is that the petitioner is entitled to be promoted as P.G Assistant (Commerce) in the 4th respondent School and the promotion is only based on the merits and ability as per the Rule 28(2)(a)(ii) of Tamil Nadu Private Schools (Regulation) Rules, 2023. Without considering the merit and ability, the 4th respondent has chosen one Kavitha and sent a proposal to the 2nd respondent. In this regard, the petitioner has given a representation to the 2nd respondent, however, no action has been taken so far. Hence, seeks direction of this Court.



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3.At this stage, this Court is of the view that the petitioner, as a matter of right, cannot seek promotion. It appears that the 4th respondent has forwarded the proposal for recommending the promotion of one Kavitha to the post of P.G Assistant (Commerce). Now, the grievance of the petitioner that the merit and ability as per said Rule has not been followed.

4.In such view of the matter, let the 2nd respondent shall verify whether the merit and ability has been followed as per Rule 28(2)(a)(ii) of Tamil Nadu Private Schools (Regulation) Rules, 2023, in recommending the said Kavitha and take a call in this regard.

5.With the above observation, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

25.09.2023

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
Speaking Order/Non-Speaking Order
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N.SATHISH KUMAR, J.



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