



WEB COPY



W.P.No.19803 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2023

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.19803 of 2017
and W.M.P.No.36512 of 2018

M.Juliet Jothimani

.. Petitioner

VS

1.The Director of School Education,
College Road, Chennai – 06.

2.The District Educational Officer,
Chennai Central, Chennai – 15.

3.The Secretary and Correspondent,
Besant Theosophical Higher Secondary School,
No.2, Arundale Beach Road,
Arundale Nagar, Chennai – 90.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records relating to the order of the 2nd respondent passed in its proceedings Na.Ka.No.1462/A2/2017 dated 21.07.2017 and quash the same and direct the 2nd respondent to approve the promotion of the petitioner as Tamil Pandit from 29.08.2016 and pay salary and other benefits based on the petitioner's representation dated 24.07.2017 after adjusting the salary paid as secondary teacher.

[prayer amended vide order dated 30.11.2018 made in WMP No.36506 of 2018]



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For Petitioner : Mr.P.Ebenezer Paul
For Respondents : Mr.R.Neethi Perumal
Government Advocate
for R1, R2

Mr.R.Prem Narayan for R3

ORDER

Let me not keep the writ petition pending any further on the file of this Court.

2. The writ petition was originally filed by the petitioner herein seeking a mandamus to approve her promotion as Tamil Pandit from 29.08.2016 as proposed by the third respondent school.

3. During the course of the hearing, it was observed that on 21.07.2017, the second respondent / District Educational Officer, Chennai, had returned the proposal give by the third respondent school and had raised two queries, namely, whether the promotion was in accordance with the Private School Regulations Act and Rules, particularly Rule 15(4)(1) and the justification for promoting the petitioner overlooking a senior, who was also eligible for promotion, and who according to respondents,



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had given a representation seeking promotion.

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4. It is today informed that the said senior had retired from the service and it is also stated that the third respondent has to examine the impact of the judgment in W.A.Nos.313 of 2022 etc batch dated 02.06.2023[*The Director of School Education, DPI Campus , Chennai and others v M.Vellayutham and others*].

5. It is for the third petitioner and for the respondents to interpret the impact of the said judgment.

6. The writ petition is therefore disposed of with a direction to the respondents to reply to the communication from the second respondent dated 21.07.2017. It would only be appropriate that since the matter has been pending consideration for atleast seven years as on date, the third petitioner endeavours to forward reply to the said queries raised by the second respondent on or before 15.09.2023 and from the date on which the same is received by the second respondent, the second respondent may pass orders on the same after following the due procedure on or before 31.10.2023.



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7. Even though the writ petition has been filed in the nature of a certiorarified mandamus to quash the said communication dated 21.07.2017, the said relief is not granted but rather a direction is given to the third respondent to answer the said communication. No costs. Connected miscellaneous petition is closed.

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Index:Yes/No

Neutral Citation:Yes/No

ssm

To

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C.V.KARTHIKEYAN,J.

ssm

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