



W.P.(MD)No.6553 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.6553 of 2023

and

W.M.P.(MD)Nos.6210, 6211 and 6213 of 2023

Paula Mary

... Petitioner

vs.

- 1.The Chief Educational Officer,
Sivagangai District,
Sivagangai.
- 2.The District Educational Officer,
Devakottai,
Sivagangai District.
- 3.The Roman Catholic Schools,
represented by the Most Rev.Fr.SusaiManikkam,
Catholic Bishop's House,
Britto Nagar, Melur Road,
Sivagangai-630 561.
- 4.The Superintendent of RC School,
Sivagangai District,
Sivangangai.



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5.The Sacred Heart High School,
represented by its Correspondent,
Irudayapuram,
R.S.Mangalam-623 525.

6.Maria Arul Devi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondent Nos.1 to 5 to consider the request of the petitioner for transfer from Sacred Heart High School, Irudhayapuram to St.Joseph Middle School, Thidakottai in the light of the provisions of the Tamil Nadu Private Schools (Regulations) Rules, 2023.

For Petitioner : Mr.Lakshmi Gopinathan
for M/s.Polax Legal Solutions
For R1 and 2 : Mr.N.Satheeshkumar
Additional Government Pleader

ORDER

This writ petition is filed for issuance of a writ of Mandamus, to direct the respondent Nos.1 to 5 to consider the request of the petitioner for transfer from Sacred Heart High School, Irudhayapuram to St.Joseph Middle School, Thidakottai in the light of the provisions of the Tamil Nadu Private Schools (Regulations) Rules, 2023.



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2. The petitioner is relying on the Tamil Nadu Private Schools (Regulation) Rules. Under Rule 28, the Rules have prescribed “Conditions of Service of Staff” in an aided private Schools. Under Sub-Clause (10), the rule prescribes to form a School Committee and maintain the seniority list for both the teaching and non-teaching staff. The further contention of the petitioner is that the respondents 3 to 5 are going to accommodate the 6th respondent in the available vacancy.

3. On instructions, the learned Additional Government Pleader appearing for respondents 1 and 2 submitted that the School has not yet submitted any proposal for transferring the 6th respondent to any place.

4. Since the writ petition is disposed at the admission stage itself, a positive direction cannot be issued against the respondents 3 to 5. Therefore, this Court is remitting the case of the petitioner to the 2nd respondent. The 2nd respondent shall issue notice to the petitioner and



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respondents 3 to 6. Thereafter, an enquiry shall be conducted. After affording adequate opportunity to all the stakeholders, the 2nd respondent shall pass a speaking order.

5. With the above said direction, the writ petition is disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No

27.03.2023

Internet : Yes

NCC : Yes / No

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To

- 1.The Chief Educational Officer,
Sivagangai District,
Sivagangai.
- 2.The District Educational Officer,
Devakottai,
Sivagangai District.



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S.SRIMATHY, J

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