



W.P(MD)No.15414 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15414 of 2020

Ulagappan Higher Secondary School,
Ramachandrapuram,
Thirumayam Taluk,
Pudukkottai District,
Rep. by its Secretary,
C.Ravi.

... Petitioner

Vs.

The Chief Educational Officer,
Pudukkottai,
Pudukkottai District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent to grant permission to the petitioner-school to fill up the vacancy of Drawing Teacher with suitable candidates.

For Petitioner : Ms.K.Mahalakshmi

For Respondent : Mr.N.Satheeskumar,
Addl. Government Pleader.



W.P(MD)No.15414 of 2020

ORDER

Heard the learned counsel on either side.

2.The writ petitioner is a non-minority educational institution. The Secretary of the school/Thiru.C.Ravi was working as Drawing Teacher in the school and he attained the age of superannuation on 31.05.2019. Since the post of Drawing Teacher fell vacant, the school wrote to the department seeking permission to fill up the said vacancy. Since the respondent did not act on the petitioner's request, the present writ petition came to be filed.

3.The respondent has filed counter affidavit and the learned Additional Government Pleader took me through its contents.

4.The stand of the respondent is that there are surplus Drawing Teachers in the district. The issue of surplus is presently pending before the Hon'ble Supreme Court. I can very well understand the predicament of the department. When surplus teachers are very much available, permitting the management (minority or non-minority) to make further appointment would definitely lead to loss of revenue. The department has to pay for the newly appointed teacher and also pay for the surplus teacher who has no work. I take judicial notice of



W.P(MD)No.15414 of 2020

the fact that scores of teachers have been rendered surplus and they are getting salary without doing any work. They must be costing the exchequer a few crores of rupees of every month. This situation cannot be allowed to go on any further. The request of the petitioner at the same cannot be denied. A vacancy has arisen in the sanctioned post of Drawing Teacher. The petitioner's concerns will be met, if the said vacancy is filled up. It is not necessary that the petitioner must be permitted to independently appoint a candidate on their own. Instead, interest of justice will be met by permitting the petitioner to apply to the respondent for posting a surplus Drawing Teacher in the district in the resulting vacancy in the petitioner's school. If any such request is made by the petitioner, the same will be honoured within a period of four weeks thereafter.

5.The writ petition is allowed on these terms. No costs.

07.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:-

The Chief Educational Officer,
Pudukkottai, Pudukkottai District.



WEB COPY



W.P(MD)No.15414 of 2020

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.15414 of 2020

07.03.2023