



W.P(MD)No.19903 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.19903 of 2023
and
W.M.P(MD)No.16427 of 2023

J.Dhaya

... Petitioner

Vs.

- 1.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.
- 2.The District Educational Officer,
Marthandam,
Kanyakumari District.
- 3.Aided Higher Secondary School,
Arumanai, (Under Direct Payment),
Represented by its District Educational Officer,
Marthandam,
Kanyakumari District.
- 4.The Correspondent,
Aided Higher Secondary School,
Arumani-629 151,
Kanyakumari District.

5. S.Prathibha

... Respondents



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(R4 is impleaded vide Court order, dated 21.08.2023 in W.M.P(MD)No.16764 of 2023 in W.P(MD)No.19903 of 2023)

(R5 is impleaded vide Court order, dated 11.10.2023 in W.M.P(MD)No.21015 of 2023 in W.P(MD)No.19903 of 2023)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to permit the petitioner to discharge her duties as Head Mistress in-charge of the third respondent School based on the proceedings of the first respondent, dated 31.07.2023 by considering the representation of the petitioner, dated 03.08.2023.

For Petitioner : Mr.S.C.Herold Singh

For R-1 to R-3 : Mr.V.Om Prakash
Government Advocate

For R-4 : Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers

For R-5 : Mr.H.Mohammed Imran
for M/s.Ajmal Associates

ORDER

The present writ petition has been filed seeking a Mandamus directing the respondents to permit the petitioner to discharge her duty as Head Mistress



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In-charge of the third respondent School based upon the proceedings of the first respondent, dated 31.07.2023.

2. One D.L.Jebaraj was functioning as the Head Master In-charge of the third respondent School. In view of the disputes among the Management, the writ petitioner was appointed as the Head Mistress In-charge by the orders of the second respondent herein, dated 12.01.2023. The writ petitioner had attained superannuation on 31.07.2023 and her services were extended by an order of the first respondent, dated 31.07.2023. A perusal of the order of the first respondent indicates that the services of the writ petitioner has been extended only as a P.G Assistant and not as a Head Mistress In-charge. Now the present Management has again appointed the said D.L.Jebaraj as Head Master In-charge and has sought an approval of the second respondent herein. The second respondent is yet to grant any approval to the said appointment. Now the present writ petition has been filed seeking a direction to permit the writ petitioner to discharge her duty as a Head Mistress In-charge.

3. A perusal of the order, dated 12.01.2023 indicates that the writ petitioner based upon the said order cannot claim any rights. That apart, the



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services of the writ petitioner have been extended after superannuation only as a P.G Assistant and not as a Head Mistress In-charge. In view of the above said facts, the writ petitioner cannot, as a matter of right, claim that she should be permitted to discharge her duties as a Head Mistress In-charge. In case if the petitioner has got any grievance with regard to the appointment of Mr.D.L.Jebaraj, it is for the writ petitioner to work out her remedy before the authorities concerned. There is a dispute with regard to the correspondent-ship of the third respondent School. The said dispute cannot be resolved into the writ petition under Article 226 of the Constitution of India. The parties are at liberty to approach the concerned authorities to resolve the said dispute.

4. With the above said observation, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

11.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



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R.VIJAYAKUMAR, J.

BTR

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