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W.P.No.4460 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.4460 of 2024
and W.M.P.No.4816 of 2024

S.Asha

...Petitioner

-Vs-

1. The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.
2. The Chief Educational Officer,
The Presidency Girls Hr.Sec.School Campus,
Egmore,
Chennai – 600 008.
3. The District Educational Officer (Secondary),
Chennai South,
Egmore,
Chennai – 600 008.
4. The Moderator / Bishop (incharge),
Church of South India – Diocese of Madras,
5, Whites Road, Royapettah,
Chennai – 600 014.
5. The Honorary Secretary,
Madras Diocese Council,
Church of South India – Diocese of Madras,



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The Diocesan Office,
Post Box No.4914,
226, Cathedral Road,
Chennai – 600 086.

6. Diocesan Educational Officer and Convener,
Church of South India – Diocese of Madras,
The Diocesan Office,
Post Box No.4914,
226, Cathedral Road,
Chennai – 600 086.

7. The Correspondent,
CSI Monahan Girls Hr.Sec.School,
Royapettah,
Chennai – 600 014.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondents from disturbing the petitioner from the post of P.G. Assistant (Biology) in 7th respondent school based on the order of appointment issued by the 6th respondent dated 20.09.2023, followed by appointment order issued by the 7th respondent dated 27.09.2023, without following the procedure established by law.

For Petitioner : Mr.J.Jayamalan

For R1 to R3 : Mrs.S.Mythereye Chandru
Special Government Pleader

For R4 to R7 : Mr.V.Prakash, Senior Counsel
for Mr.Adrian D.Rozario



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ORDER

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This writ petition has been filed forbearing the respondents from disturbing the petitioner from the post of P.G. Assistant (Biology) in 7th respondent school based on the order of appointment issued by the 6th respondent dated 20.09.2023, followed by appointment order issued by the 7th respondent dated 27.09.2023, without following the procedure established by law.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner is qualified with Post Graduate and B.Ed degree and eligible for appointment to the post of P.G.Assistant (Biology). The 7th respondent School is a Government Aided Minority Institution coming under the Corporate Management of Church of South India – Diocese of Madras. There was vacancy arose to the post of P.G.Assistant (Biology) due to transfer of incumbent one Daisy Premakumari, P.G.Assistant (Biology). In the said post, the petitioner was selected and appointed as P.G.Assistant (Biology) in the 7th respondent School by the 6th



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respondent. The petitioner was issued an order of appointment dated 27.09.2023. However, due to internal dispute, the petitioner was not permitted to sign in the Attendance Register and as such, the petitioner apprehends that she will not be given appointment in the 7th respondent School.

4. The learned Senior Counsel appearing for the respondents 4 to 7 submitted that the erstwhile Bishop of CSI Diocese of Madras retired on 26.09.2023, and that the petitioner was appointed to the said post on 27.09.2023 malafidely.

5. Therefore, the appointment of the petitioner itself is malafide and the petitioner was appointed in the post of PG Assistant (Biology) at the wedge of retirement of the Bishop. Therefore, all the appointment made by the erstwhile fourth respondent are not accepted by the respondents 4 to 6. That apart, so far, no proposal has been sent for approval in respect of appointment of the petitioner to the post of P.G.Assistant (Biology) in the 7th respondent School.



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6. In view of the above, the direction sought for in this writ petition cannot be considered and this writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

23.02.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
mn



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To

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