



W.P.No.31460 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2024

CORAM

THE HONOURABLE Mrs. JUSTICE R.KALAIMATHI

W.P.No.31460 of 2015

and M.P.Nos.1 and 2 of 2015

St.Xavier's Primary School
represented by its Correspondent,
Puckulipalayam, Mangalam Post,
Tiruppur District – 641 663

...Petitioner

vs.

1. The Government of Tamil Nadu,
Represented by the Additional Chief Secretary,
Department of School Education,
Fort St.George, Madras – 600 009
2. The Director of Primary Education,
DPI Campus, College Road,
Chennai – 600 006
3. The District Elementary Educational Officer
The Office of the District Elementary
Educational Office, Tiruppur,
Tiruppur Distict.
4. The Additional Elementary Educational Officer,
The Office of the Additional Elementary
Educational Office,
Dharapuram Range,
Dharaapuram, Tiruppur District.

5. Mr.C.Prabakaran

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari, to call for the records pertaining to the impugned order dated 22.09.2015 in Na.Ka.No.2208/A5/2015 on the file of the 3rd respondent, in respect of the deployment of Mr.C.Prabakaran, from another non-minority school, and quash the same.

For Petitioner : Mr.Fr.A.Xavier Arulraj
For Respondents :
For R1 to R4 : Mr.T.M.Rajangam
Government Advocate

ORDER

This writ petition is filed by St.Xavier's Primary School, represented by its correspondent, Puckulipalayam, Mangalam Post, Tiruppur District, calling for the records pertaining to the impugned order dated 22.09.2015 of the 3rd respondent in respect of the deployment of Mr.C.Prabakaran from another non-minority school and to quash the same.

2. The petitioner is the Correspondent of the petitioner's school herein. The petitioner school is established and administered by "The Congregation of the Franciscan Sisters of the Presentation of the Blessed Virgin Mary, Coimbatore" bearing Registration S.No.86 of 1972 for the purpose of legal perpetuity. The society has established and administering



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87 Educational Institutions for the welfare of the Catholic Christian Minority Community in Tamil Nadu.

3. While so, the 3rd respondent issued the impugned order dated 22.09.2015 in Na.Ka.No.2208/A5/2015, transferring a teacher by name Mr.C.Prabakaran, a Secondary Grade Teacher from N.S.P.Srinivasa Aided Primary School, Dharapuram to the petitioner school by way of deployment due to the surplus posts in N.S.P.Srinivasa Aided Primary School.

4. The petitioner further submits that the minority petitioner school if forced to accept the deployed teacher from other schools, outside its management, it will lose the opportunity and the right to appoint its own teachers. Hence this writ petition.

5. Mr.T.M.Rajangam, learned Government Advocate submits that subsequent to the interim order of stay passed in this writ petition on 06.10.2015, the said order of deployment was cancelled, and he was relieved from the transferred post on 03.11.2015 and joined in the R.V.G. Government Aided Primary School on 04.11.2015, and he has been



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working there till date.

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6. Recording the said details, this writ petition stands dismissed as infructuous. No costs. Consequently, connected miscellaneous petitions, if any are also closed.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

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R.KALAIMATHI, J.

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