



WEB COPY

W.P.No.39138



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.39138 of 2024

The Correspondent,
Danish Mission Primary School,
Mampzhapattu,
Villupuram District.

... Petitioner

Vs.

1. The Director of Elementary Education,
DPI Campus, College Road,
Chennai – 600 006.

2. The District Educational Officer,
Villupuram District.

3. The Block Educational Officer,
Villupuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent in O.MU.No.0724/A5/2022 dated 21.03.2022 and quash the same and consequently direct the second respondent to approve appointment of Vijayakumar as Secondary Grade Teacher in the Petitioner's School with effect from 01.02.2021 with all service and monetary benefits.

For Petitioner : Mr.C.Mahedran



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W.P.No.39138



For Respondents : Mr.K.H.Ravikumar,
Government Advocate

ORDER

This writ petition has been filed aggrieved by the impugned proceedings dated 21.03.2022 passed by the Respondent No.2, refusing to grant approval for the appointment made by the petitioner for filling up the post of 'Secondary Grade Teacher' on the ground that there are surplus teachers working in other schools under the very same management and therefore, they can be accommodated in the vacancies in the petitioner school.

2. Though the impugned proceedings was passed as early as on 21.03.2022, for the reasons best known, the petitioner has not availed the remedy of appeal within the time stipulated time. But, however approached this court by filing the present writ petition after a lapse of more than 2½ years.

3. In view of the same, this court is not inclined to entertain this writ petition at this stage. However, deems it appropriate to relegate the petitioner to go before the Respondent No.1 by availing the remedy of appeal, as the factual matrix cannot be examined by this court at the first instance and the petitioner will have better remedy before the Respondent No.1 to place on record the



factual matrix in support of the case of the petitioner.

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4. In view of the same, the writ petition is disposed of, without expressing any opinion on merits, permitting the petitioner to file an appeal before the Respondent No.1 within a period of two weeks from the date of receipt of a copy of this order. In case, if the petitioner files an appeal before the Respondent No.1 within the time stipulated above, the Respondent No.1 shall consider the same by duly affording an opportunity to the petitioner and pass appropriate orders thereon without reference to the delay in filing the said appeal, as expeditiously as possible, at any rate within a period of two months from the date of filing of the appeal filed by the petitioner.

5. Accordingly, the writ petition is disposed of. No costs. Connected miscellaneous petitions, if any, shall stand closed.

20.12.2024

(2/2)

skr

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

1. The Director of Elementary Education,
DPI Campus, College Road, Chennai – 600 006.



W.P.No.39138



2. The District Educational Officer, Villupuram District.

3. The Block Educational Officer, Villupuram District.

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WEB COPY

W.P.No.39138



MUMMINENI SUDHEER KUMAR, J.

skr

W.P.No.39138 of 2024

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WEB COPY

W.P.No.39138



(2/2)