



W.P.(MD)No.661 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.661 of 2024

and

W.M.P.(MD).No.664 of 2024

S.Pushpam

... Petitioner

Vs.

1.The District Chief Educational Officer,
District Collector Campus,
Virudhunagar,
Virudhunagar District.

2.The District Educational Officer,
District Educational Office,
Satchiyapuram,
Sivakasi Taluk,
Virudhunagar District.

3.The Secretary,
Mangapuram Hindu Higher Secondary School,
Sirvilliputhur - 626 125,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to made recommendation to the third respondent for getting promotion and special annual increment by considering the petitioner's representation dated 01.12.2023 within a time stipulated by this Court.

For Petitioner : Mr.V.Muthu Kamatchi

For R-1 and R-2 : Mr.T.Amjadkhan
Government Advocate

(*)For R3 : Mr.K.K.Kannan



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ORDER

Heard Mr.V.Muthu Kamatchi, learned counsel for the petitioner and Mr.T.Amjadkhan, learned Government Advocate for the respondents.

2. This Writ Petition has been filed for issuance of Writ of Mandamus, seeking direction against the first respondent to made recommendation to the third respondent for getting promotion and special annual increment by considering the petitioner's representation dated 01.12.2023.

3. Mr.V.Muthu Kamatchi, the learned counsel for the petitioner submitted that the petitioner is eligible to be promoted to the post of PG Assistant History. Despite the petitioner has filed this Writ Petition seeking direction against the first respondent to recommend the petitioner's name to the third respondent for appointing her in the post of P.G.Assistant History.

4. Mr.T.Amjadkhan, learned Government Advocate submitted that there is no more post in the P.G.Assistant History and now it has been converted into Economics on 24.03.2019 as per the request of the third respondent School. Since the petitioner is not eligible to be promoted to the post of P.G.Assistant (Economics) and her qualification is only with respect of History, the petition itself has become infructuous.



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5. However, the learned counsel for the petitioner submitted that the conversion has been made purposefully in order to defeat the interest of the petitioner.

6. The submissions made by the learned counsel for the petitioner and the learned Government Advocate are considered. It is on the discretion of the third respondent to retain or forego any of the courses or group in the School depending upon the students enrollment and also other attendant circumstances. Hence, the petitioner cannot have any legal entitlement over a policy decision taken by the School. Hence, I find no merits.

7. This Writ Petition is **disposed of** accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD II)

(*)Corrected as per order of this Court dated 03/07/2024 made in WP(MD).No. 661 of 2024

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2024

Sub Assistant Registrar(CS)

Nsr

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(*)To be substituted to the order already despatched on 26/06/2024

- 1.The District Chief Educational Officer,
District Collector Campus,
Virudhunagar,
Virudhunagar District.
- 2.The District Educational Officer,
District Educational Office,
Satchiyapuram,
Sivakasi Taluk,
Virudhunagar District.
- 3.The Secretary,
Mangapuram Hindu Higher Secondary School,
Sirvilliputhur - 626 125,
Virudhunagar District.

+1 CC to M/s.K.K.KANNAN, Advocate (SR-18248[F] dated 03/04/2024)

+1 CC to M/s.V.MUTHUKAMATCHI, Advocate (SR-18356[F] dated 04/04/2024)



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+1 CC to M/s.SPL.GP (SR-32814)

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RE (19.06.2024) 5P/ 7C

MGJ (18.07.2024) 4P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.