



W.P.(MD) No.15118 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD) No.15118 of 2023

The Correspondent,
St. Annes Girls Higher Secondary School,
Melaputhur,
Tiruchirapalli – 620 001.

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Petitioner

-VS-

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St. George,
Chennai - 600 009.
- 2.The Director of School Education,
College Road,
Chennai - 600 006.
- 3.The Chief Educational Officer,
Trichy, Trichy District.
- 4.The District Educational Officer,
Trichy, Trichy District.
- 5.The Correspondent / Secretary,
S.M.Higher Secondary School,
Woraiyur,
Trichy.



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6.B.Latha Florence

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Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorari, to call for the records relating to the impugned proceedings of the 3rd respondent CEO in Na.Ka.No. 7300/Aa4/2022, dated 09.06.2023 quash the same as illegal and void.

For Petitioner : Mr.K.Ragatheesh Kumar,
for M/s.Isaac Chambers.

For Respondents 1 to 4 : Mr.J.Ashok,
Addl. Govt. Pleader.

For Respondent 5 : Mr.S.Mahesh Babu

For Respondent 6 : No appearance

ORDER

The instant Writ Petition has been filed by an aided minority institution, challenging the order of deployment of sixth respondent from fifth respondent school to the petitioner school.

2. According to the learned counsel for the writ petitioner, the petitioner school, being a minority institution, has an exclusive vested right to



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appoint a teacher, and the authorities cannot make any appointment in a minority institution.

3. Admittedly, a vacancy in the said school arose in the year 2019. However, the management has not chosen to fill up the said post till the impugned order came to be passed. Therefore, considering the fact that the students are in need of a B.T.Assistant (Science Teacher), an order of redeployment has been passed under the impugned order by the authority concerned. In case any vacancy arises in the school, they are at liberty to fill up the vacancy in accordance with law. Therefore, such a defence is not available to a minority institution.

4. There are no merits in the Writ Petition, which stands dismissed. No costs. Consequently, the connected W.M.P.(MD) Nos.12728 and 12732 of 2023 are closed.

24.09.2024

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

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R.VIJAYAKUMAR, J.

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