



WP(MD) No.16351 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.16351 of 2023
and
WMP(MD)Nos.13687 & 13688 of 2023

S.S.Jeeva

... Petitioner

Vs.

1. The Principal Secretary to the Government,
School Education Department,
Fort St. George, Chennai-9.

2. The Director of School Education,
DPI Compound, College Road,
Chennai-600 006.

3. The Chief Educational Officer,
O/o.The Chief Educational Officer,
Virudhunagar District.

4. The District Educational Officer,
O/o.The District Educational Officer,
Virudhunagar,
Virudhunagar District.

5.Devangar Girls Higher Secondary School,
Rep. by its Secretary,



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Aruppukottai-626 101,
Virudhunagar District.

6. S.Kanjana

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order in Na.Ka.No. 8847/Aa4/2022 dated 12.06.2023 on the file of the Respondent No.3 and the Consequential Impugned Order dated 15.06.2023 on the file of the respondent No.5 and quash the same as illegal in so far as not granting protection of Seniority of the Petitioner in the 5th Respondent School and consequently for a direction, directing the Respondent No.5 to grant promotion to the Petitioner in the post of PG Assistant (Physics) within the time period stipulated by this Court.

For Petitioner	: Mr.S.Rajasekar for M/s.Lajapathi Roy and Associates
For R1 to R4	: Mr.T.Amjadkhan Government Advocate
For R5	: Mr.G.Prabhu Rajadurai
For R6	: Mr.M.Thirunavukkarasu



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ORDER

The present writ petition has been filed seeking a Writ of Certiorarified Mandamus, to quash the impugned order of the 3rd respondent in Na.Ka.No.8847/Aa4/2022 dated 12.06.2023 and the consequential impugned order of the 5th respondent dated 15.06.2023 and for a consequential direction to the 5th respondent to grant promotion to the petitioner in the post of PG Assistant (Physics) within the specific time.

2. Heard Mr.S.Rajasekar, learned counsel for the petitioner, Mr.T.Amjadkhan, learned Government Advocate for the respondents 1 to 4, Mr.G.Prabhu Rajadurai, learned counsel for the 5th respondent and M.Thirunavukkarasu, learned counsel for the 6th respondent.

3. The petitioner has been deployed to the transferee school, ie., AVM Higher Secondary School, Vilampatti since her post was found as surplus in the 5th respondent school. Unless the petitioner's deployment is set aside and she is sent back to the 5th respondent school,



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the petitioner cannot claim any further benefit of promotion. Even if it is assumed that the petitioner is entitled for redeployment, promotion cannot be claimed by the petitioner as a matter of right in view of the special privileges conferred on the 5th respondent school under Article 30(1) of the Constitution of India. The petitioner has invoked Rule 15(4) of the Tamil Nadu Recognised Private Schools (Regulation) Rules, 1974, in order to accord her promotion to the post of PG Assistant(Physics) in the 5th respondent School.

4. Firstly the prayer to that extent is a prematured one, because the petitioner has not been redeployed to the 5th respondent School. Even by assuming that the petitioner has got the possibility of redeployment, Rule 15(4) of the Tamil Nadu Recognised Private Schools (Regulation) Rules, 1974, is not applicable to the 5th respondent school which is a minority institution. In fact one Kanjana/6th respondent herein has been appointed to the post of PG Assistant(Physics) by the 5th respondent School against the sanctioned vacancy on 12.01.2023 and the proposal for approval of the said appointment is pending with the Government. Further, it is learnt that



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the petitioner herself has already given a representation that she is not willing for promotion in the 5th respondent School. In such case, the claim now raised by the petitioner itself is not maintainable.

5. In the result, this writ petition is **dismissed. No Costs.**

Consequently, connected miscellaneous petitions are closed.

**03.06.2024
(2/2)**

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

To

1.The Director of School Education,
DPI Compound, College Road,
Chennai- 600 006.

2.The Chief Educational Officer,
Virudhunagar District, Virudhunagar.

3.The District Educational Officer,
Virudhunagar District, Virudhunagar.



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R.N.MANJULA, J.

PJL

**Order made in
W.P.(MD)No.16351 of 2023**

03.06.2024