

Sumathi Vs. Dist Elementary Edul Officer

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Court : Chennai

Decided On : Jan-02-2013

Judge : M.Jaichandren

Appellant : Sumathi

Respondent : Dist Elementary Edul Officer

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS DATED :

02. 01.2013 CORAM The Honourable Mr. Justice M.JAICHANDREN Writ Petition No.7730 of 2011 Sumathi .. Petitioner vs. 1.The District Elementary Educational Officer, Cuddalore. 2.Mr.Shanmugam 3.Kalaichitra .. Respondents PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to forbear the 2nd respondent from appointing the 3rd respondent as Elementary School Teacher in the 2nd respondent School and consequently direct the 2nd respondent to conduct fair interview in accordance with law. ----- For petitioner : Mr.M.Selvam For respondents : Mr.P.Karthikeyan, Government Advocate for R.1 Mrs.Rita Chandrasekar for R.2 Mr.K.Srinivasan for R.3 ----- O R D E R Heard the learned counsel for the petitioner, as well as the learned counsel appearing on behalf of the respondents.

2. The petitioner has stated that she had completed her Diploma in Teachers Education from Chandra Teachers Training School, Sethiyathope, Cuddalore District. The 2nd respondent School had called for an interview for the post of

Elementary Teacher, by way of a paper publication in a tamil daily, viz., 'Dina Thanthi', on 3.3.2011. As per the paper publication, the date of the interview was fixed as 13.3.2011, at the third respondent School. On 13.3.2011, when the petitioner had gone to attend the interview, she had been informed that the interview was cancelled, as per the Election Rules.

3. It has been further stated that the petitioner had a serious apprehension that the 3rd respondent, who is the daughter-in-law of the 2nd respondent, was likely to be appointed in the post of Elementary School Teacher in the second respondent School. Therefore, the petitioner had sent a representation dated 13.3.2011 to the 1st respondent, as well as to the Director of Elementary School Education, Chennai. However, there was no response from the 1st respondent. In the mean time, the 3rd respondent had been appointed in the 2nd respondent School, without following the Rules and Regulations applicable to such appointment. The appointment of the 3rd respondent, in the 2nd respondent School, is arbitrary and invalid in the eye of law. In such circumstances, the petitioner has preferred the present writ petition, before this Court, under Article 226 of the Constitution of India. 4. A counter affidavit has been filed on behalf of the 2nd respondent stating that the paper publication had been issued, calling the candidates to attend the interview, to be held on 13.3.2011, for the post of Elementary School Teacher in the 2nd respondent School. Six candidates had participated in the said interview. However, the petitioner did not participate. Based on the interview, the 3rd respondent had been selected and she had been appointed, as a permanent Teacher, in the 3rd respondent School. Therefore, there is no merit in the writ petition filed by the petitioner. 5. In view of the aforesaid averments and the submissions made on either side and on a perusal of the records available, this Court is of the considered view that the petitioner has not shown sufficient cause or reason to grant the relief, as prayed for by her. It is pertinent to note that an interview had been held on 13.3.2011 and the 3rd respondent had been selected and appointed as a permanent Teacher in the 2nd respondent School. It was open to the petitioner to challenge the appointment of the 3rd respondent as a Teacher in the 2nd respondent School. However, the petitioner has chosen only to file a writ petition praying for a writ of Mandamus forbearing the 2nd respondent from appointing the 3rd respondent, as an Elementary School Teacher in the 3rd

respondent School. Further, the petitioner has not been in a position to show that she is better qualified than the 3rd respondent. In fact, it is seen from the counter affidavit filed by the 2nd respondent that the petitioner did not even participate in the interview, held on 13.3.2011. In such circumstances, this Court finds it appropriate to dismiss the writ petition, as it is devoid of merits. Hence, the writ petition stands dismissed. No costs. M.P.No.1 of 2011 is closed. gs. 02.01.2013 Index:Yes Internet:Yes To 1.The District Elementary Educational Officer, Cuddalore. M.JAICHANDREN, J.

gs. Writ Petition No.7730 o

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