



W.P(MD)No.27768 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2023

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.27768 of 2023

and

W.M.P(MD)No.23877 of 2023

S.Michael Arockia Raj

... Petitioner

Vs.

1.The Govt. of Tamil Nadu,
Represented by its Additional Chief Secretary,
Department of School Education,
Fort St.George, Chennai-9.

2.The Director of School Education,
DPI Campus,
College Road, Chennai-6.

3.The Chief Educational Officer,
The Office of the Chief Educational Officer,
Dindigul.

4.The District Educational Officer,
The Office of the District Educational Officer,
Dindigul.

5.The Correspondent,
Infant Jesus High School,
Maravapatty, Dindigul District-624 709.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to



W.P(MD)No.27768 of 2023

call for the records pertaining to the impugned proceedings, dated 14.09.2023, in A.Thi.Mu.No.3487/A4/2023, on the file of the 4th respondent and quash the same, directing the respondents, to accord approval to the appointment of the petitioner, Mr.S.Michael Arockia Raj, working as B.T.Asst. (Tamil) in the 5th respondent, Infant Jesus High School, Maravapatti, Dindigul District, w.e.f. 28.06.2023, and release salary with all monetary and service benefits.

For Petitioner : Mr.S.Savarimuthu
for M/s.Father Xavier Associates

For R1 - R4 : Mr.N.GA.Natraj
Government Advocate

ORDER

The present writ petition has been filed by a B.T Assistant (Tamil) challenging the order passed by the 4th respondent herein, wherein the request of the school management to approve his appointment has been rejected.

2. According to the learned counsel appearing for the writ petitioner, the petitioner was appointed as a B.T Assistant (Tamil) on 28.06.2023 in the 5th respondent school. The proposal sent by the school management has been rejected citing G.O.Ms.No165 School Education Department, dated 17.09.2019. Hence, the present writ petition.



W.P(MD)No.27768 of 2023

3. According to the learned counsel appearing for the writ petitioner, the said Government Order is not in force and therefore, the same cannot be cited as a ground for rejecting the approval of appointment.

4. The learned Government Advocate appearing for the respondents contended that it has to be verified whether there are any surplus teachers within the corporate management before granting approval to the appointment of the writ petitioner.

5. Considering the above said facts, this Court is inclined to pass the following order:

(i) The order impugned in the writ petition is set aside and the matter is remitted back to the file of the 4th respondent for fresh consideration.

(ii) The 5th respondent management is directed to place all the records before the 3rd respondent to verify whether there are any surplus B.T Assistant (Tamil) Teachers within the corporate management for the academic year 2023-24. In case, if the 3rd respondent arrives at a



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W.P(MD)No.27768 of 2023

finding that there are no surplus teacher, he shall issue a certificate to the said effect.

(iii) On receipt of the said certificate, the 4th respondent is directed to approve the appointment of the writ petitioner with effect from 28.06.2023 with all attendant benefits.

6. With the above said observations, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

12.12.2023

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

1.The Additional Chief Secretary,
The Govt. of Tamil Nadu,
Department of School Education,
Fort St.George, Chennai-9.

2.The Director of School Education,
DPI Campus,
College Road, Chennai-6.



W.P(MD)No.27768 of 2023

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3. The Chief Educational Officer,
The Office of the Chief Educational Officer,
Dindigul.
4. The District Educational Officer,
The Office of the District Educational Officer,
Dindigul.



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W.P(MD)No.27768 of 2023

R.VIJAYAKUMAR,J.

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Order made in
W.P(MD)No.27768 of 2023

Dated:
12.12.2023