



W.P.(MD).No.30134 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.30134 of 2023

and

W.M.P(MD) Nos.25970 and 25971 of 2023

Sr.Veena Theresa
St. Justin's Girls Higher Secondary School,
Sivagangai – 630 561.

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by its Additional Chief Secretary,
Department of School Education,
Fort St.George, Chennai – 600 009.
2. The Director of School Education,
DPI Campus,
College Road, Chennai – 600 006.
3. The Chief Educational Officer,
The Office of the Chief Educational Officer,
Sivagangai.
4. The District Educational Officer (Secondary),
The Office of the District Educational Officer,
Sivagangai.



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5. The Correspondent,
St.Justin's Girls Higher Secondary School,
Sivagangai – 630 561.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings, dated 03.11.2023, in O.Mu.No.6706/AA3/2023, on the file of the fourth respondent and quash the same, in respect of the petitioner, directing the respondents to approve the appointment of the petitioner Sr.Veena Theresa, working as P.G. Assistant (Commerce) Teacher in St. Justin's Girls Higher Secondary School, Sivagangai, Sivagangai – 630 561, w.e.f., 01.06.2023, and release salary, with all service benefits.

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

For Respondents : Mr.N.GA.Natraj
Government Advocate
for R1 to R4

ORDER

The present writ petition has been filed by a P.G.Assistant (Commerce) Teacher challenging the order passed by the authorities, wherein, her appointment has not been approved.



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2. A perusal of the impugned order indicates that the appointment of the said P.G.Assistant (Commerce) Teacher has been rejected solely on the ground that the School has not promoted the existing B.T.Assistant Teachers and has gone for a direct recruitment.

3. The learned counsel appearing for the petitioner submits that the Commerce Teacher is available only in the Higher Secondary School and therefore, no B.T.Assistant Teachers with (Commerce) qualification are available.

4. In view of the above said facts, the order impugned in the writ petition is set aside and the matter is remitted back to the file of the fourth respondent herein. The fourth respondent shall verify whether there are any other qualified teaching or non teaching-staff available within the Corporate Management with eligibility to be appointed as P.G.Assistant (Commerce) Teacher. In case, if there are no other qualified Teachers, the fourth respondent is directed to approve the appointment of the writ petitioner with effect from 01.06.2023 with all attendant benefits within a period of twelve weeks from the date of receipt of a copy of this order.



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5. With the above said observations, this Writ Petition stands allowed.

There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

19.12.2023

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

1. The Additional Chief Secretary,
Department of School Education,
Fort St.George, Chennai – 600 009.
2. The Director of School Education,
DPI Campus,
College Road, Chennai – 600 006.
3. The Chief Educational Officer,
The Office of the Chief Educational Officer,
Sivagangai.
4. The District Educational Officer (Secondary),
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R.VIJAYAKUMAR,J.

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