

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.06.2015

CORAM

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

W.P.No.16892 OF 2015 &
M.P.Nos.1 & 2 of 2015

Kasturba Aided Elementary School [PETITIONER]
Rep by its President of the School Committee
Oodanillai, Erode-638101.

Vs

- 1 The Government of Tamil Nadu
Rep by its Secretary
School Education Department
Fort St. George, Chennai 9.
- 2 The Director of Elementary Education
College Road, Chennai 6.
- 3 The District Elementary Educational Officer
District Elementary Education Office
Erode
- 4 M.Selvaraj [RESPONDENTS]

Writ petition is filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus to call for the records relating to the proceedings of the 3rd respondent in Mu. Mu. No.891/B2/2012 dt 25.4.2012 and quash the same in so far as by imposing the condition that the said order is valid for 2012 academic year alone and also quash the rejection of approval order of the 3rd respondent in his proceedings in Na. Ka. No. 125/A3/2015 dt 14.5.2015 and consequently directing the 3rd respondents to approve the appointments of the 4th respondent as Secondary Grade Teacher and pay the salary with effect from 17.11.2014 based on the proposal sent by the petitioner School Management.

For Petitioner : Mrs.P.Mahalakshmi

For Respondents : Mr.V.Jayaprakash Narayanan
Spl.Govt.Pleader

Mr.Godson Swaminathan - R4

O R D E R

With the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal at the admission stage itself.

2.The petitioner is an Aided Elementary School. The petitioner school appointed the fourth respondent as Secondary Grade Teacher on 17.11.2014 in the vacancy that arose on 23.11.2011. The fourth respondent possessed the TET qualification at the time of appointment. Still the Educational authorities rejected the approval sought for by the petitioner School for appointment of the fourth respondent, on the ground that the permission obtained during the academic year 2012 for filling up the post is valid only for that academic year and accordingly, rejected the appointment made during 2014-15.

3.Already the students have suffered for three years without Teacher. When the School has now appointed a Teacher, the Educational Authorities cannot refuse to grant approval of the said appointment. Hence, a direction is issued to the educational authorities to temporarily approve the appointment of the fourth respondent as Secondary Grade Teacher in the Primary School of the petitioner, immediately. This Court has taken note of the fact that the petitioner is a Primary School and it is the duty of the State to give free education upto Primary School pursuant to the fundamental rights guaranteed under Article 21A of the Constitution. If the said task is taken by the petitioner school, the State shall not act in this fashion by rejecting the Application.

The Writ Petition is disposed of with the above observation. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

- 1 The Secretary
Government of Tamil Nadu
School Education Department
Fort St. George, Chennai 9.
- 2 The Director of Elementary Education
College Road, Chennai 6.
- 3 The District Elementary Educational Officer
District Elementary Education Office
Erode

+1 cc to M/s.P.Mahalakshmi, Advocate,SR.28952.

Ug(co)
krd 23/6

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