



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2015

CORAM :

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition (MD) No.208 of 2015

WEB COPY

P.Jebastlin Florence

...

Petitioner

Vs.

1.The Director Elementary Education,
College Road, Chennai 600 006.

2.The District Elementary Educational Officer,
Tirunelveli Educational District,
Tirunelveli.

3.The Additional Assistant Elementary Educational Officer,
Nanguneri Rant, Nanguneri Post,
Tirunelveli District.

4.The Correspondent,
C.M.S Eva Schools,
Alwaneri, Maruthakulam,
Kodankulam Pastorates,
at Kodankulam, Munanchipatti Post 627 355,
Nanguneri Taluk, Tirunelveli District. ...

Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records in pursuant to the Impugned Order passed by the 2nd Respondent in Moo. Mu. No. 4962/A5/2013 dated Nil.12.2013 signed on 02.01.2014 and quash the same and consequently direct the respondents to approve the Petitioner's appointment in the post of Secondary Grade Teacher in the 4th Respondent school with effect from 27.07.2009 and pay arrears of salary and accrued and consequential benefits, within a stipulated time fixed by this Court.

For Petitioner

: Mr.M.Saravanakumar

For Respondents 1-3

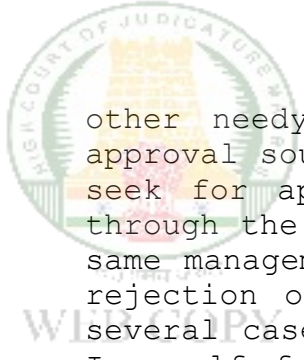
: Mr.V.Muruganandam,

Additional Government Pleader.

ORDER

Heard the learned counsel appearing for the petitioner and Mr.V.Muruganandam, learned Additional Government Pleader who takes notice on behalf of the respondents 1 to 3. Since the issue involved in this case is covered by the decision of this Court in favour of the petitioner and the fourth respondent being a formal party, notice to the fourth respondent is dispensed with. By consent, the writ petition itself is taken up for final disposal at the admission stage.

2.The petitioner is aggrieved against the order passed by the second respondent dated 02.01.2014 in refusing to approve the appointment of the petitioner as the Secondary Grade Teacher only on the ground that such approval can be granted only after the vacancies are filled up with



other needy schools under the same management. In other words, the approval sought for was rejected on the ground that the management cannot seek for approval of the appointment without filling up the vacancies through the surplus teachers available in another school coming under the same management. Whether the said reason can be assigned as a ground for rejection of the approval has already been considered by this Court in several cases wherein it was found that such reason cannot be sustained. I myself followed those decisions made in W.P(MD)No.5872 of 2012 dated 13.12.2013 and W.P(MD)No.2627 of 2014 etc., dated 28.02.2014 and allowed the writ petition in W.P(MD)No.6195 of 2014, dated 17.04.2014.

3.Learned Government Advocate appearing for the respondents fairly submitted that the issue involved in this writ petition is covered by the above decisions of this Court.

4.Thus by following the earlier decision of this Court referred to *supra*, the writ petition is allowed and the impugned order is set aside. Consequently, the respondents 1 to 3 are directed to approve the appointment of the petitioner and pay all monetary and other service benefits to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

sms

To

1.The Director Elementary Education,
College Road, Chennai 600 006.

2.The District Elementary Educational Officer,
Tirunelveli Educational District,
Tirunelveli.

3.The Additional Assistant Elementary Educational Officer,
Nanguneri Rant, Nanguneri Post,
Tirunelveli District.

+1cc to Special Government Pleader Sr NO. 988

+1cC to MR.M.SARAVANA KUMAR, ADVOCATE SR NO.774

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