



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :23.06.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.11162 of 2016

and

W.M.P. (MD) No.8579 of 2016

Rev.Sr.C.Leema Anthoniammal

.. Petitioner

vs.

1.The District Elementary Educational Officer,
Ramanathapuram.

2.The Additional Assistant Elementary Educational Officer,
Kadalaadi Union, Ramanathapuram District.

3.The Thooya Yagappan Primary School,
represented by its Correspondent,
M.Savariarpattanam, Kadaladi Union,
Ramanathapuram District-623 703.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents herein to direct the first respondent to consider the proposals for approval of the appointment of the petitioner, as Secondary Grade Teacher in the third respondent school, as recommended by the second respondent vide proceedings dated 14.10.2014 in Na.Ka.No.864/A1/2014 and approve the same with effect from the date of the appointment i.e., 17.07.2014 with all consequential monetary benefits.

For Petitioner :Mr.S.Manikandan

For Respondents :Mr.T.S.Md.Mohideen

Additional Government Pleader

ORDER

The petitioner has filed this Writ Petition seeking for issuance of Mandamus, directing the first respondent to consider the proposals for approval of the appointment of the petitioner, as Secondary Grade Teacher in the third respondent school, as recommended by the second respondent vide proceedings dated 14.10.2014 in Na.Ka.No.864/A1/2014 and to approve the same with effect from the date of her appointment i.e., 17.07.2014 with all consequential monetary benefits.



2. The petitioner was appointed as Secondary Grade Teacher on 17.07.2014, by the Superintendent of RC Schools, RC Diocese of Sivagangai. The learned Counsel appearing for the petitioner would submit that the petitioner is fully qualified for the post of Secondary Grade Teacher and she has also appeared for the Teachers Eligibility Test (TET) conducted by the Teachers Recruitment Board and scored 89 marks and she was issued with TET pass certificate by the Teachers Recruitment Board, therefore, she is having all the qualifications required for appointment to the post of Secondary Grade Teacher. She was also appointed in a sanctioned post, vacated by a teacher Mr.B.James Raja, who was given promotion on 17.07.2014. Thus, the appointment of the petitioner was made in sanctioned post, the third respondent School has sent a proposal requesting the second respondent to grant approval of the appointment of the petitioner. The second respondent also, after perusal of all the materials available on record, forwarded the same to the first respondent, duly recognising the case of the petitioner vide Na.Ka.No.864/A1/2014, dated 14.10.2014, however, till date, the first respondent has not accorded approval, as a result, the petitioner is working as Secondary Grade Teacher under the respondent school without salary, causing untoward hardship to her. Hence, the petitioner has sought for a direction to the first respondent to consider the proposal sent by the second respondent expeditiously and accord approval of her appointment.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who takes notice for the respondents.

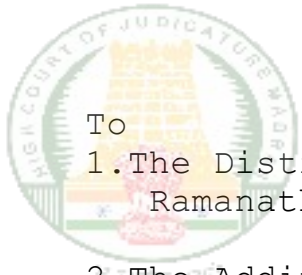
4. As the petitioner is having TET qualification and her appointment being made in a sanctioned post, her case deserves to be considered, for the reason that the third respondent School is a minority Institution. Inasmuch as it is a settled legal position that when a teacher is appointed in a sanctioned post in the minority Institution, no prior permission is required, therefore the proposal sent by the second respondent to the first respondent shall be considered by the first respondent and appropriate orders shall be passed within a period of ten weeks from the date of receipt of a copy of this order.

5. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AE)

/True copy/



To

1.The District Elementary Educational Officer,
Ramanathapuram.

2.The Additional Assistant Elementary Educational Officer,
Kadalaadi Union, Ramanathapuram District.

+1cc to Mr.S.Manikandan, Advocate Sr.No.32542

+1cc to special Government Pleader SR.No.32590

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W.P. (MD) No.11162 of 2016
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