



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2017

C O R A M

WEB COPY

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.(MD)Nos.2727 to 2729 of 2017andW.M.P.(MD)Nos.2259 to 2264 and 4137 to 4139 of 2017

N.Yoga ... Petitioner in W.P.(MD)No.2727 of 2017
S.Sudha ... Petitioner in W.P.(MD)No.2728 of 2017
R.Manjula ...Petitioner in W.P.(MD)No.2729 of 2017

/Vs./

1.The District Educational Officer,
Aruppukottai,
Virudhunagar District.

2.The Secretary,
SBK Higher Secondary School,
Kaloorani, Aruppukottai Taluk,
Virudhunagar District-626 105.

...Respondents
(in all petitions)

COMMON PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of certiorarified Mandamus, calling for the records relating to the impugned order of the 1st respondent in Ni.Mu.No.958, 957 and 956/AA2/2016, respectively dated 13.01.2017 and quash the same and further directing the 1st respondent to approve the petitioner's appointment as BT Assistants (Mathematics, Physics, English), respectively in 2nd respondent School w.e.f. 19.02.2016.

For Petitioner : Mr.G.Prabhu Rajadurai
For Respondents : Mr.S.Sadesh Kumar (for R1)
Additional Government Pleader
Mr.V.Panneer Selvam (for R2)
(for all petitions)

COMMON ORDER

These Writ Petitions have been filed to call for the records relating to the impugned order of the 1st respondent in Ni.Mu.No.958, 957 and 956/AA2/2016, respectively dated 13.01.2017 and quash the same and further direct the 1st respondent to approve the petitioner's appointment as BT Assistants (Mathematics, Physics, English respectively) in 2nd respondent School with effect from 19.02.2016.

2.The second respondent had advertised for the filling up the following vacancies on 23.01.2016 in the Dina Thandhi news paper fixing the last date as 31.01.2016 for receiving applications.

S.No.	Post of Vacancy	Educational qualification	Caste
1.	PG Assistant (Zoology)	M.Sc., B.Ed.,	OC
2.	BT Assistant (Science)	B.Sc., B.Ed. (TET Pass)	SC (A)
3.	BT Assistant (English)	B.A.,B.Ed. (TET Pass)	MBC
4.	BT Assistant (Mathematics)	B.Sc., B.Ed. (TET Pass)	BC
5.	BT Assistant (Science)	B.Sc., B.Ed. (TET Pass)	OC

3.The petitioners in W.P.(MD)Nos.2729, 2727 and 2728 of 2017, who belonged to MBC, BC and OC communities respectively, had been selected for appointment in the school of the second respondent against the aforesaid vacancies at S.Nos.3, 4 and 5 for the post of BT Assistant (English, Mathematics and Science).

4.When the appointment of the petitioners were sent for approval, the only reason stated by the First respondent in the impugned orders dated 13.01.2017 for not approving the appointment of the petitioners is that the post of BT Assistant reserved for SC(A) category at S.No.2, which is at a position above the posts to which they have been selected under roster maintained for the school of the second respondent, had not been filled up.

5.The petitioners, who were appointed to the aforesaid posts in serial Nos.3, 4 and 5, in the aforesaid vacancies, aggrieved by the non-approval by the first respondent have approached this Court challenging the aforesaid order and for a direction to approve their applications with effect from 19.02.2006.

6.Heard G.Prabhu Rajadurai, learned counsel appearing for the petitioner, S.Sadesh Kumar, learned Additional Government Pleader, and Mr.V.Panneer Selvam, learned counsel, appearing for the respondents.

7.The second respondent, who has appeared before this Court through counsel has submitted that there has been a change in the management of the School and no files regarding the appointment of the Petitioners are now available in its custody. The learned Additional Government Pleader has produced the copies of the non availability certificate dated 17.07.2015 obtained from the Employment Exchange and an undated certificate from the second respondent school regarding non availability of the suitable



candidates for the aforesaid post of BT Assistant (Science) among the SC(A) candidates, from the records available with the first respondent.

8. Each of the petitioners have also filed affidavits dated 21.11.2017 before this Court stating that if their appointment to the aforesaid posts is approved, they would not claim any seniority over and above the person who would be later appointed to the aforesaid vacant post of BT Assistant (Science) at S.No.2, which has been reserved for SC(A) candidate in the school of the second respondent and the said undertaking is recorded.

9. In these circumstances, as the impediment expressed by the first respondent in the impugned order for approving the appointment of the petitioners no longer exists, the impugned order is set aside and the first respondent is directed to pass orders afresh in accordance with law on the proposal sent by the second respondent for approval of the petitioners and communicate the decision to the parties concerned and file a report of such compliance to the Registrar (Judicial) of this Court on or before 31.12.2017.

10. These Writ Petitions are disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To
The District Educational Officer,
Aruppukottai,
Virudhunagar District.

COPY TO:
The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.

+6ccs to M/S.G.Prabhu Rajadurai, Advocate SR.No. 90373 to 90375,
90423, 90424, 90427
+1cc to M/S.V.Panneer Selvam, Advocate SR.No. 90433
+1cc to Special Government Pleader, SR.No. 90557 to 90559

W.P. (MD) Nos. 2727 to 2729 of 2017
29.11.2017