

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.09.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.22729 of 2018

in

W.M.P.Nos.26574 and 26575 of 2018

M.R. Rafeeqe Ahmed

...Petitioner

...vs...

1. The Secretary to Government,
School Education Department,
Government of Tamil Nadu, Fort St.George,
Chennai - 600 009.
2. The Director of Elementary Educational
College Road, DPI Campus, Chennai - 600 006.
3. The Chief Educational Officer,
Vellore, Vellore District - 632 004.
4. The District Educational Officer,
Vaniyambadi, Vellore District - 632 004.
5. The Block Educational Officer,
Pernambut, Vellore District - 635 810.
6. The Manager,
Rafeequia Aided Primary School, Pudur,
M.V. Kuppam Post, Pernambut Taluk,
Vellore District - 635 805.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus to call for the records of the fourth respondent pertaining to the return Order in A.Thi.Mu.No.305/A2/2018 dated 09.08.2018 and to direct the respondents to grant approval of the petitioner's appointment as Secondary Grade Assistant Teacher in the 6th respondent minority aided school with all monetary and service benefits from the date of appointment.

For Petitioner : Mr. V. Raghupathi

For Respondents : Mrs. P. Kavitha,
Government Advocate for R1 to R5

O R D E R

Mrs.P.Kavitha, learned Government Advocate takes notice on behalf of the respondents 1 to 5.

2. This Writ Petition has been filed challenging the Order in A.Thi.Mu.No.305/A2/2018 dated 09.08.2018 of the fourth respondent, returning the proposal to approve the appointment of the petitioner as Secondary Grade Assistant Teacher in the sixth respondent minority aided school with all monetary and service benefits from the date of appointment. According to the petitioner, the same is illegal and arbitrary one, being contrary to the facts and law and as such liable to be quashed and the petitioner is entitled to the relief sought for. Hence, this Writ Petition has been filed seeking the aforesaid relief.

3. The case of the petitioner is that he was Differently abled person and he was appointed in the sixth respondent school on 31.05.2018 as Secondary Grade teacher in the vacant post caused due to the retirement of Thiru.K.Noorunnisa. On 04.06.2018. The sixth respondent sent a proposal to the fourth respondent, seeking to approve the appointment of the petitioner. However, the fourth respondent vide impugned order dated 09.08.2018, returned such approval on wrong premises, indicating the fact that the petitioner was not possessing the required T.E.T. qualification. Challenging the same, the present Writ Petition has been filed to quash the return order and direct the fourth respondent to approve the appointment of the petitioner in the sixth respondent school from the date of his appointment and release all monetary benefit accrued out of the said appointment.

4. The learned counsel appearing for the petitioner would submit that such order of the fourth respondent is illegal inasmuch as for appointment as a Secondary Grade teacher in minority educational institutions, clearance in T.E.T exam is not a condition precedent. The same has already been held by this Hon'ble Court in a batch of Writ Appeals in W.A.Nos.213 and 572 of 2016 (The Secretary to Government Vs., S.Jeyalakshmi and another) etc., batch on 24.08.2016 and also in some more batch of writ petitions. Hence, he submits that the impugned order cannot be sustained and as such this Writ Petition be disposed of setting aside the impugned order with a direction to the respondents to re-consider this issue and accord approval for his appointment, in the light of the aforesaid decisions.

5. The learned Government Advocate fairly concedes that the impugned order is contrary to law laid down and as such the respondents have no objection for the re-consideration of the case of approval on appointment of the petitioner, if such proposal, is resubmitted by the sixth respondent.

6. Considering the aforesaid submission and also fact that no relief is sought for against the sixth respondent, this Court dispose of the Writ Petition in the absence of sixth respondent.

7. Hence, regard being had to the aforesaid facts and submissions made, especially the submission of the counsel for the Additional Government Advocate, this Court allow the writ petition, consequently, quash the impugned order of the fourth respondent dated 09.08.2018 and further direct the sixth respondent to resubmit the proposal for approval of appointment of the writ petitioner through proper channel to the fourth respondent, within a period of two weeks from the date of receipt of a copy of this order and direct the fourth respondent to consider such proposal in accordance with law, within a period of four weeks from the date of receipt of such proposal and communicate the decision thereof. As it appears the proposal is required to be submitted to the fourth respondent through the fifth respondent and as such this Court hope and trust that the fifth respondent on receipt of the proposal from the sixth respondent, submits the same by complying with the formalities / furnishing recommendations if any in such proposal, with all promptitude.

With the aforesaid order, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CS-VII)

// True Copy//

सत्यमेव जयते

Sub Assistant Registrar

To

1. The Secretary to Government,
School Education Department,
Government of Tamil Nadu, Fort St.George,
Chennai - 600 009.
2. The Director of Elementary Educational
College Road, DPI Campus, Chennai - 600 006.

3. The Chief Educational Officer,
Vellore, Vellore District - 632 004.
4. The District Educational Officer,
Vaniyambadi, Vellore District - 632 004.
5. The Block Educational Officer,
Pernambut, Vellore District - 635 810.

+ 1 CC TO MR.V.RAGHUPATHI, ADVOCATE SR 60555
+ 1 CC TO THE GOVT. PLEADER, SR 61277

KR/8/10/18

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in
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