

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.07.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19032 of 2017

and

W.M.P.Nos.20550 of 2017 & 19817 of 2018

St.Joseph's Primary School,
JCK Nagar, Chengalpattu 603 002,
Rep. by its Correspondent,
A.Thomas Selvam ..Petitioner

vs

1.The Director of Elementary School Education,
DPI Campus, College Road,
Chennai - 600 006.

2.The District Elementary Educational Officer
Kancheepuram.

3.The Asst. Elementary Educational Officer
Kattankulatur, Kancheepuram District 603 203. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent relating to Pro.O.Mu.No.622/A3/2017 dated 22.03.2017, to quash the same and to issue consequential direction to the second respondent to approve the appointment of Tmt.S.Anitha as Secondary Grade Teacher from 01.09.2014, release Government Aided towards her pay and allowances from 01.09.2014 and disburse the same to her early.

For Petitioner : Mr.G.Punniakoti

For Respondents : Mr.K.Karthikeyan
Government Advocate

O R D E R

The relief sought for in this writ petition is to quash the order of rejection passed by the respondent in proceedings dated 22.03.2017, in relation to the claim of the writ petitioner, to approve his appointment to the post of teacher.

2. The learned counsel appearing on behalf of the writ petitioner, made a submission that the petitioner/Tmt.S.Anitha was appointed as a Secondary Grade Teacher on 01.07.2014 and earlier, she filed a writ petition in W.P.No.41046 of 2016 and this Court directed the second respondent to consider the application submitted by the writ petitioner and pass orders on merits and in accordance with law. Pursuant to the said direction, the present impugned order has been passed by the respondent in proceedings dated 22.03.2017 in and by which, the claim of the petitioner to approve her appointment to the post of teacher came to be rejected.

3. The learned counsel for the petitioner further states that the writ petitioner was appointed in accordance with the procedure contemplated and therefore the petitioner is entitled for approval of her appointment.

4. The learned Government Advocate appearing on behalf of the respondents opposed the contention by stating that the case of the writ petitioner, in respect of the approval of appointment of the Secondary Grade Teacher, was considered by the District Elementary Educational Officer, Kancheepuram and found that no sanctioned post was available in the school where writ petitioner was working. The post is sanctioned on the students ratio basis and as per the inspection report of the competent authority. In the event of the availability of any sanctioned post, then alone the case of the appointment of the teacher shall be considered in accordance with law in force for the approval of the Government. As per the authorities competent, there is no sanctioned post available in the cadre of Secondary Grade Teacher and accordingly, rejected the claim of the writ petitioner for the approval of appointment of the writ petitioner in the post of Secondary Grade Teacher.

5. Therefore, this Court is of an opinion that there is no infirmity in the order of rejection passed by the competent authority which requires no interference of this Court.

6. However, it is made clear that in the event of availability of post of Secondary Grade Teacher in the school where the writ petitioner is working, the school is at liberty to forward the proposal for approval of the appointment of the petitioner to the competent authority. In such event, any proposal is forwarded by the school for approval of the appointment of the post available, the competent authority is directed to consider the same in accordance with law.

7. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

nmm/stm

To

- 1.The Director of Elementary School Education,
DPI Campus, College Road,
Chennai - 600 006.
- 2.The District Elementary Educational Officer
Kancheepuram.
- 3.The Asst. Elementary Educational Officer
Kattankulatur, Kancheepuram District 603 203.

+lcc to Mr.G.Punniakoti, Advocate sr.no.47742

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