



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 14.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No. 1437 of 2018
and

W.M.P. (MD). Nos. 1496 & 1497 of 2018

The Correspondent
R.C.Primary School,
Narippaiyur - 623 136,
Ramanathapuram District.

.. Petitioner

Vs.

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

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

3.The Additional Assistant Elementary
Educational Officer,
Kadaladi - 623 703.
Ramanathapuram District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the third respondent in A.Thi.Mu.No.970/a3/2017, dated:05.09.2017 quash the same and further direct the second respondent District Elementary Educational Officer to approve forthwith the appointment of D.Stella as Secondary Grade teacher in the petitioner's School namely, R.C.Primary School, Narippaiyur, w.e.f 15.06.2017 and disburse the grant-in-aid towards petitioner's salary and allowances w.e.f., the said dated with all attendant benefits.

For petitioner : Miss.Amala
for Isaac Chambers
For respondents : Mr. J.Gunaseelan Muthiah
Additional Government Pleader

O R D E R

Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader takes notice for the respondents.

2. By consent of both parties, the main writ petition is taken up for final disposal at the stage of admission itself.



3. The petitioner is a aided minority primary School. It is coming under the corporate management of RC Diocese. The petitioner appointed one Tmt.D.Stella as Secondary Grade Teacher with effect from the 15.06.1997, in the vacancy caused by transfer of one Lucia. It is not in dispute that the post is a sanctioned one and that the said D.Stella is eligible to be so appointed. But when the petitioner submitted a proposal for approval of the said appointment, it was declined on the ground that there are surplus Secondary Grade Teachers in other Schools coming under the corporate Management.

4. The Division Bench of this Court by order dated 29.11.2017 in Writ Appeal No.1292 of 2017 and 461 of 2014 held that the Department cannot reject the proposal for approval on the ground that there is surplus staff strength in other institution coming under the same corporate Management. The issue on hand is similar. Therefore, respectfully following the aforesaid decision, this Court quashes the order impugned in this writ petition. The second respondent is directed to approve the appointment of D.Stella as Secondary Grade Teacher in the petitioner's school with effect from 15.06.2017 and also disburse the grant-in-aid and other consequential benefits forthwith, without any delay.

5. This Writ petition is allowed accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To:

- 1.The Director of School Education,
College Road, Chennai - 600 006.
 - 2.The District Elementary Educational Officer,
Ramanathapuram,
Ramanathapuram District.
 - 3.The Additional Assistant Elementary
Educational Officer,
Kadaladi - 623 703.
Ramanathapuram District.
- +1cc to M/s.Isaac Chambers, Advocate, SR.No.48716.
+1cc to Special Government Pleader, SR.No.49332.

ORDER MADE IN
W.P. (MD) .No.1437 of 2018
14.02.2018

kmi

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RAM/RSK/SAR 1/03.05.2018/2P/6C