



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.2475 of 2018

and

M.P (MD) Nos.2674 and 2675 of 2018

G.Jeyaraj

... Petitioner

Vs.

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

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

3.The Assistant Elementary Educational Officer,
Thirumangalam, Madurai District.

4.The Correspondent,
C.S.I.Primary School,
Nadukottai, Thirumangalam Union,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the impugned order passed by the second respondent in O.Mu.No.2398/A3/2017, dated 21.11.2017 and to quash the same as illegal and further direct the second respondent to approve forthwith the appointment of the petitioner as Secondary Grade Teacher in the fourth respondent school with effect from 08.02.2017 and disburse the grant-in-aid towards her salary and allowances with effect from the said date with all attendant benefits.

For Petitioner
For R1 to R3

: Mr.K.R.Laxman
: Mr.J.Gunaseelan Muthiah
Additional Government Pleader

ORDER

The petitioner was appointed as a Secondary Grade Teacher in the fourth respondent school on 08.02.2017. The management submitted a proposal to the second respondent for grant of approval. But the second respondent declined to grant approval on the ground that the fourth respondent school is coming under the corporate management and that there are surplus posts in the other schools.



2. The above said ground is not sustainable in view of the decision of the Hon'ble Division Bench of this Court. It is not in dispute that the petitioner was appointed only in respect of the sanctioned post with eligibility to hold that post. Therefore, the impugned order passed by the second respondent is quashed. The second respondent is directed to approve the petitioner's appointment as Secondary Grade Teacher in the fourth respondent school with effect from 08.12.2017 and disburse grant-in-aid towards salary and other relief with effect from 08.02.2017 without any delay. The writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

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

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

3.The Assistant Elementary Educational Officer,
Thirumangalam, Madurai District.

+1cc to M/S.K.R.Laxman, Advocate SR.No. 54176

+1cc to Special Government Pleader, SR.No. 54586

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rmi

JM/SV MMS/SAR 1/10.04.2018/2P/6C