



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.278 of 2018

and

WMP (MD) No.293 of 2018

M/s.Swamy Vivekanandha Vidyalaya
Higher Secondary School,
Rep.by its Secretary,
R.Ramsundar,
Vaichettiapalayam,
Trichy District.

... Petitioner

Vs.

1. The Chief Educational Officer,
Trichy.
2. The District Educational Officer,
Musiri, Trichy District.

... Respondents

Prayer: Writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the respondent in his proceedings in Na.Ka.No.4812/A1/2017 dated 28.12.2017 and quash the same as illegal and arbitrary and consequently directing the first respondent to grant permission for appointment of one V.Govindaraj in the post of BT Assistant (Science) in the petitioner school on the basis of the petitioner's representation dated 15.02.2017 based on the student strength in the month of August - 2016.

For petitioner	: Mr.B.Saravanan
For Respondents	: Mrs.S.Srimathy, Special Government Pleader

ORDER

The petitioner is an aided Higher Secondary School. During the academic year 2016-2017, the students strength was 580 for classes 6 to 10. Therefore, the sanctioned teachers strength would be 6. One V.Govindaraj was appointed against a sanctioned vacancy on 20.04.2017 as B.T.Assistant (Science). The school management submitted its proposal for approving the said appointment of



Govindaraj. But, by the impugned order, the first respondent declined to grant approval by taking into account the students strength for the subsequent academic year namely 2017-18.

2. It is true that in the subsequent academic year namely 2017-18, the students strength was 507. The impugned order is bad since it applies an erroneous and irrelevant yardstick. The approving authority ought to take into account the students strength and teachers strength, when the appointment order was actually made.

3. Therefore, instead of going by the students strength for the year 2016-17, the first respondent erroneously went by the students strength for the year 2017-18. On this ground, the order impugned in the writ petition is quashed. The first respondent is directed to approve the appointment of the said Govindaraj as B.T. Assistant (Science) in the petitioner's school with effect from 20.04.2017 and disburse all the consequential benefits forthwith without any delay.

4. The writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Chief Educational Officer,
Trichy.
2. The District Educational Officer,
Musiri, Trichy District.

+ 1 CC TO Mr.B.SARAVANAN, ADVOCATE IN SR No. 47956
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 48599

SKM

TE/JC/SAR-1 : 21/03/2018 : 2P/5C

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