



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) .No.3176 of 2018
and

W.M.P. (MD) No.3333 of 2018

M.J.Dorathi Jemima

... Petitioner

Vs.

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

2.The Additional Assistant Elementary Educational Officer,
Madurai North,
Madurai.

3.The Correspondent,
CSI Primary School,
Narasingam,
Y.Othakadai,
Madurai-625 107.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records made in to the impugned order passed by the second respondent dated 17.01.2018 vide proceedings in Aa.Thi.Mu.No.105/A1/2018 and quash the same and direct the first and second respondents to approve the appointment of the petitioner as Secondary Grade Assistant in the third respondent school with effect from 08.03.2017 with all consequential benefits.

For Petitioner	: Mr.C.Fernadas Rathinaraja
For R1 and R2	: Mrs.S.Srimathy Special Government Pleader
For R3	: No appearance

ORDER

The petitioner was appointed as a Secondary Grade Assistant in the third respondent school with effect from 08.03.2017. The third respondent school is a minority institution. The petitioner was appointed in respect of a sanctioned post. But the first respondent has declined to grant approval on the ground that there are surplus vacancies in the other schools coming under the same corporate management.



2.It has already held that such a ground of rejection is not legally sustainable. Therefore, the order impugned in this writ petition is quashed. The first respondent is directed to approve the petitioner's appointment as Secondary Grade Assistant/third respondent school with effect from 08.03.2017 and grant all other benefits. The writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

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

2.The Additional Assistant Elementary Educational Officer,
Madurai North,
Madurai.

+One cc to Mr.C.Fernadas Rathinaraja, Advocate, SR.No.54788

+One cc to The Special Government Pleader, SR.No.54891

rmi

RL/5C/2P/SKN/RSK/SAR1/23/3/2018

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