



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHANW.P. (MD) No.601 of 2018 and
W.M.P.(MD)No.620 and 621 of 2018

R.Raja Selin Janet

... Petitioner

Vs.

1. The Director of School Education,
College Road, Chennai-600 006.
2. The Chief Educational Officer,
Kanyakumari, Kanyakumari District.
3. The District Educational Officer,
Nagercoil, Kanyakumari District
4. The Correspondent,
Duthie Higher Secondary School,
For Girls, Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the 3rd respondent District Education Officer in O.Mu.No.7523/a1/2017 dated --.12.2017, quash the same and further direct the 3rd respondent District Educational Officer to approve forthwith the appointment of petitioner as Tamil Pandit in the 4th respondent school namely, Duthie Girls Higher Secondary School, w.e.f., the date of her appointment viz. 24.06.2015 and disburse grant-in-aid towards the salary and other attendant benefits.

For petitioner : Mr. K.Prabhu
For R-1 to R3 : Mr. M.Jeyakumar
Additional Government Pleader

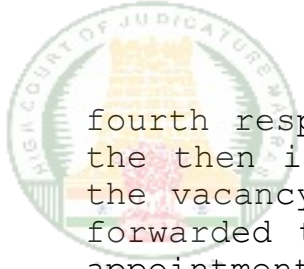
O R D E R

Heard the learned counsel on either side.

2.By consent of both the parties, the main Writ Petition is taken up for final disposal.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The petitioner was appointed as a Tamil Pandit in the



fourth respondent school on 24.06.2015, following the retirement of the then incumbent Mr.C.Nesa Bai. The petitioner was appointed in the vacancy that arose in a sanctioned post. The school management forwarded the proposal to the third respondent for approval of her appointment and disbursement towards her salary. The third respondent returned the proposal on the ground that the fourth respondent school is coming under the corporate management and that there are surplus teachers in the other institutions coming under the same management. It has been held by the Division Bench of this Court in **W.A. (MD) .Nos.1292 of 2017 & 461 of 2014 dated 29.11.2017**, that the department cannot reject the proposal on the ground that there is surplus staff strength in the other institutions coming under the same corporate management. This is because the posts are sanctioned posts.

4.Since the issue on hand is covered by the aforesaid Division Bench decision, this Court quashes the order impugned in this Writ Petition. The third respondent is directed to approve forthwith the appointment of the petitioner in the fourth respondent school with effect from 24.06.2015 and disburse the grant-in-aid towards her salary and also other consequential and attendant benefits.

5.This Writ petition is allowed accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To:

1. The Director of School Education,
College Road, Chennai-600 006.
2. The Chief Educational Officer,
Kanyakumari, Kanyakumari District.
3. The District Educational Officer,
Nagercoil, Kanyakumari District.

+ 1 CC TO M/s.ISAAC CHAMBERS, IN SR No. 42928
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 42883

TSG/PNN

TE/SV-MMS/SAR-3 : 19/02/2018 : 2P/6C

ORDER MADE IN

W.P. (MD) No.601 of 2018 and
W.M.P. (MD) No.620 and 621 of 2018
18.01.2018