



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) .No.8028 of 2018

and

W.M.P. (MD) .No.7626 of 2018

M.A.Jeba Rani

... Petitioner

Vs.

1. The Secretary to Government,
Department of School Education,
Tamil Nadu Secretariat,
St.George Fort, Chennai.
2. The Director of School Education,
Department of School Education,
DPI Compound, Chennai.
3. The District Educational Officer,
Tirunelveli Educational District, Tirunelveli.
4. The Correspondent,
Cathedral Higher Secondary School,
Palayamkottai, Tirunelveli District.

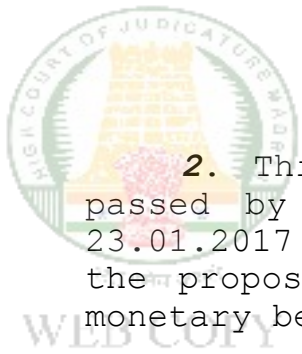
... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in respect of the order passed by the third respondent in O.Mu.Na.No.6173/213/2016 dated 23.01.2017 and quash the same and consequently direct the third respondent to approve the appointment proposal dated 17.12.2016 and disburse all other service and monetary benefit to the petitioner from 21.06.2016.

For Petitioner : Mr.S.Chellapandian
For R1 to R3 : Mrs.S.Srimathy
Special Government Pleader

ORDER

Mrs.S.Srimathy, learned Special Government Pleader takes notice for the respondents 1 to 3. By consent of both the parties, the main Writ Petition itself is taken up for final disposal at the stage of admission.



2. This Petition has been filed to quash the impugned order passed by the third respondent in O.Mu.Na.No.6173/23/2016 dated 23.01.2017 and consequently direct the third respondent to approve the proposal dated 17.12.2016 and disburse all other service and monetary benefit to the petitioner from 21.06.2016.

3. The case of the petitioner is as follows:-
The petitioner was appointed as a P.G. Assistant in the fourth respondent school on 21.06.2016, following the retirement of the then incumbent Mr.Samasir. The School is a minority aided institution. The petitioner was appointed in the vacancy that arose in a sanctioned post. The school management forwarded the proposal to the third respondent on 17.12.2016 for approval of her appointment and disbursement towards her salary. But the third respondent rejected the said proposal and passed an impugned order on 23.01.2017. Aggrieved by the said order, the petitioner is before this Court.

4. When the matter is taken up for hearing, the learned counsel appearing for the petitioner and learned Special Government Pleader appearing for the respondents 1 to 3 would submit that the issue on hand has already been answered by the Division Bench of this Court in **W.A. (MD) .Nos.253, 254, 375 to 377 of 2009** on 27.07.2018, by setting aside the impugned order thereon.

5. Since the issue on hand is covered by the aforesaid Division Bench decision, this Court has quashed the impugned order dated 23.01.2017 passed by the third respondent in O.Mu.Na.No.6173/23/2016, by directing the third respondent to consider the case of the petitioner in the light of the decision of the Division Bench in **W.A. (MD) Nos.253 of 2009** etc batch, within a period of one month from the date of receipt of a copy of this order.

6. This Writ Petition is allowed accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Secretary to Government, Department of School Education,
Tamil Nadu Secretariat,
St.George Fort, Chennai.



2. The Director of School Education,
Department of School Education,
DPI Compound, Chennai.

3. The District Educational Officer,
Tirunelveli Educational District,
Tirunelveli.

+ 1 CC TO Mr.S.CHELLAPANDIAN, ADVOCATE IN SR No. 79564
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 79701

TSG

TE/RSK/SAR-2 : 10/09/2018 : 3P/6C

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