



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 06.03.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11070 of 2015
and
MP(MD)No.1 of 2015

D.Stanley

... Petitioner

Vs.

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

2.The Assistant Elementary Educational
Officer,
Valliyoor, Tirunelveli District.

3.The Secretary,
Hindu Primary School,
Veerapandian, Panagudi,
Tirunelveli District.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the impugned order in Na.Ka.No.2725/A4/2014 dated 01.06.2015 on the file of the first respondent and quash the same and further directing the first respondent to approve the appointment of the petitioner as Secondary Grade Teacher in the third respondent school with effect from 14.11.2011.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mrs.S.Srimathy,
Spl., Govt.Pleader for R1 & R2

ORDER

The petitioner was appointed as Secondary Grade Teacher in the third respondent school on 14.11.2011. It was a sanctioned post. In fact permission was granted for filling up the same. The petitioner is eligible to be so appointed. The authority however declined to grant approval for two reasons.



2.The first reason was that the petitioner is not possessed of TET qualification. But, this Court can take note of the subsequent developments and since the petitioner has time till 2019 to secure the TET qualification, the said reason will be of no avail. Secondly, the authority has taken the view that the petitioner was appointed in the vacancy caused by the removal of one Kasthuri and that the said Kasthuri has filed CRP(PD) (MD)No.831 of 2012 before this Court and the same is still pending. The petitioner has given an undertaking in the affidavit filed in support of this writ petition to the effect that he would abide by the outcome of the said revision proceedings. Therefore, the second reason set out in the impugned order also is not sustainable.

3.The learned Special Government Pleader appearing for the respondents wanted to raise some additional grounds for sustaining the impugned order. She drew the attention of this Court to the averments made in the counter affidavit. But then the impugned order will have to stand or fall on the strength of the reasons set out in the impugned order itself.

4.Both the grounds set out in the impugned order have been found to be unsustainable in law. The order impugned in this writ petition is quashed. The first respondent is directed to approve the petitioner's appointment with effect from 14.11.2011 and also disburse the grant in aid. Such an order shall be issued within a period of four weeks from the date of receipt of a copy of this order.

5.This writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

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

2.The Assistant Elementary Educational
Officer,
Valliyoor, Tirunelveli District.

+1cc to M/s.Special Government Pleader, SR.No. 53833

+1cc to Mr.G.Prabhu Rajadurai, Advocate, SR.No.53494

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