



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.16185 of 2015

WEB COPY

The Correspondent

Holy Cross Girls Higher Secondary School

VE Road,

Thoothukudi - 628 002

Thoothukudi District.

... Petitioner

Vs.

1.The Director of School Education,
College Road, Chennai - 600 006.

2.The Joint Director of School Education,
College Road, Chennai-600006.

3.The Chief Educational Officer,
Thoothukudi-628 003
Thoothukudi District.

4.The District Educational Officer,
Thoothukudi - 628 003
Thoothukudi District.

... Respondents.

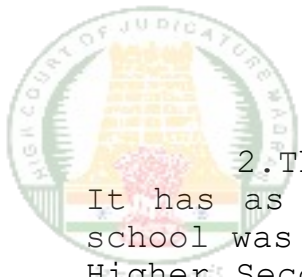
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the 3rd respondent Chief Educational Officer in Mu.Mu.No.1612/Aa4/2011 dated 15.03.2011 and the consequential proceedings issued by the 4th respondent DEO in Mu.Mu.No.1876/Aa2/2011, dated 26.04.2011, quash the same and further direct the 3rd and 4th respondents to approve forthwith the appointment of J.Jeyaseeli as BT Assistant in Science in the petitioner's school w.e.f, the date of her appointment ie., 01.06.2010 and to disburse the grant-in-aid towards her salary and other attendant benefits.

For petitioner : Ms.Amala for
M/s. Isaac Chambers

For Respondents : Mrs.S.Srimathy
Special Government Pleader

O R D E R

Heard Ms.Amala, learned Counsel appearing for the petitioner
and Mrs.S.Srimathy, learned Special Government Pleader appearing
for the respondents.



2.The writ petitioner is a minority educational institution. It has as many as 46 sanctioned teaching posts. The petitioner's school was originally a High School and got subsequently upgraded as Higher Secondary School. As a result, the post of Secondary Grade Assistant had to be converted into one of B.T. Assistant. The Educational Authorities took some time to grant approval for such conversion.

3.In the meanwhile, one Mrs. G.Isabell Rani retired on 31.05.2010 and in her place one J.Jeyaseeli was appointed as a B.T. Assistant w.e.f. 01.06.2010. The said appointment was approved by the fourth respondent with effect from 15.03.2011. The grievance of the writ petitioner is that the said Jeyaseeli was appointed with effect from 01.06.2010 and therefore her appointment should be approved from the said date. The Division Bench of this Court by order dated 22.04.2015 made in W.A.(MD)No.828 of 2014 had held that the order passed by the authority permitting conversion should relate back to the date of appointment of the concerned candidate. Since the post of Secondary Grade Teacher was available for appointment in the school in question and conversion was only to the said post necessarily the appointment should be recognized by the department and more particularly on account of the fact that it was a sanctioned post. The issue is thus no longer res integra. The orders impugned in the writ petition are therefore quashed and the third and fourth respondents are directed to approve the appointment of J. Jeyaseeli as B.T. Assistant in Science in the Writ Petitioner's school with effect from the date of her appointment ie., on 01.06.2010, with all consequential and attendant benefits.

4.Accordingly, this writ petition stands allowed. No costs.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To:

- 1.The Director of School Education, College Road, Chennai - 600 006.
 - 2.The Joint Director of School Education, College Road, Chennai-600006.
 - 3.The Chief Educational Officer, Thoothukudi-628 003
Thoothukudi District.
 - 4.The District Educational Officer, Thoothukudi - 628 003,
Thoothukudi District.
- +1CC to M/s.Isaac Chambers, SR.No. 42621
+1CC to the Special Government Pleader SR.No.42957

ORDER MADE IN
W.P. (MD) No.16185 of 2015
17.01.2018