



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2018

CORAM

WEB COPY

**THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN**

W.P. (MD) No.17961 of 2015  
and  
M.P. (MD) No.1 of 2015

G.Alexander Kutti Raja

... Petitioner

**Vs.**

1. The District Elementary Educational Officer,  
Virudhunagar District,  
Virudhunagar.
2. The Assistant Elementary Educational Officer,  
Vembakottai Range,  
Sathur Taluk,  
Virudhunagar District.
3. The Manager of Schools,  
Diocese of Madurai Ramnad,  
162, East Veli Street,  
AVH Building 1<sup>st</sup> Floor,  
Madurai.
4. The Correspondent,  
CSI Primary School,  
Elumichangapattai,  
Sathur Taluk,  
Virudhunagar District.

... Respondents

**PRAYER:** Writ 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 order vide proceeding in Mu.Mu.No.4401/A4/2012 dated 31.10.2012 passed by the 1<sup>st</sup> respondent and quash the same and consequently direct the 1<sup>st</sup> and 2<sup>nd</sup> respondents to approve the proposal for appointment of the petitioner in the post of Secondary Grade Teacher in the 4<sup>th</sup> respondent School with effect from 21.03.2011 with all consequential benefits.

For Petitioner : Mr.V.karthikeyan  
For R1 and R2 : Mr.J.Gunaseelan Muthaiah  
Additional Government Pleader

**ORDER**

The writ petitioner was appointed as Secondary Grade Teacher in the fourth respondent school on 19.03.2011. It is not in dispute that the appointment was in respect of a sanctioned post. The writ petitioner is also having necessary qualification. Stating that there was no vacancy in the other schools run by the corporation management, approval was denied.

2.It is not the case of the respondents that the petitioner is not eligible to be appointed. When the vacancy is in respect of a sanctioned post and the candidate is possessing the requisite qualifications, approval cannot be denied.

3.In this view of the matter, the order impugned dated 31.10.2012 in the writ petition is quashed. The first respondent is directed to approve the appointment of the writ petitioner as Secondary Grade Teacher in the fourth respondent school with effect from 21.03.2011 with all consequential benefits.

4.Accordingly, the writ petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

**To**

1. The District Elementary Educational Officer,  
Virudhunagar District, Virudhunagar.
2. The Assistant Elementary Educational Officer,  
Vembakottai Range, Sathur Taluk,  
Virudhunagar District.

+ 1 CC TO Mr.V.KARTHIKEYAN, ADVOCATE IN SR No. 59123

MM

TE/RSK/SAR-4 : 08/05/2018 : 2P/4C

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