



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 18.01.2018**

**CORAM:**

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

**W.P. (MD) No.11799 of 2017**

**and**

**W.M.P. (MD) Nos.9085 and 9086 of 2017**

The Correspondent  
St. Mary's RC Primary School,  
Kezhavasal - 625 001  
Madurai District.

... Petitioner

-Vs-

1. The Director of Elementary Education,  
College Road, Chennai-600 006.
  2. The District Elementary Educational Officer,  
Madurai, Madurai District.
  3. The Assistant Elementary Educational Officer,  
Madurai South, Madurai District.
- ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the second respondent District Elementary Education Officer in O.Mu.No.1484/A1/2017 dated 19.04.2017, quash the same and further direct the second respondent District Elementary Educational Officer to approve forthwith the appointment of M.Puthumani Anthoniar as Secondary Grade teacher in the petitioner's school namely, St. Mary's R.C. Primary, Kezhavasal, w.e.f. The date of his appointment viz. 09.01.2017 and disburse grant-in-aid towards the salary and other attendant benefits.

For Petitioner

:Mr.K.Prabhu  
for M/s.Isaac Chambers

For Respondents

: Miss.Amala for  
Mr.S.Karthikeyan  
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

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

3. The petitioner is an aided minority Educational Institution. It is coming under the corporate management of RC Diocese. The petitioner appointed one Thiru.M.Puthumai Anthoniar as Secondary Grade Teacher with effect from the 09.01.2017, in the vacancy caused by the retirement of the previous incumbent A.Rabecal on 30.09.2016. It is not in dispute that the post is a sanctioned one and that the said Thiru.M.Puthumai Anthoniar is eligible to be so appointed. But when the petitioner submitted a proposal to the second respondent for approval of the his appointment and disbursement towards his salary, it was declined on the ground that the petitioner 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 post is sanctioned one.

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 second respondent is directed to approve the appointment of M.Puthumai Anthoniar as Secondary Grade Teacher in the petitioner's school with effect from 09.01.2017 and also disburse the grant-in-aid towards her salary and other consequential and attendant benefits forthwith, without any delay.

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

Sd/-

Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar

To

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

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

2. The District Elementary Educational Officer,  
Madurai, Madurai District.

3. The Assistant Elementary Educational Officer,  
Madurai South, Madurai District.

+ 1 cc TO M/S.Isaac Chambers , Advocate in SR No. 42926

+ 1 cc TO The Special Government Pleader in SR No. 42854

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AE/SV MMS/SAR1/14.05.2018/3P/6C

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**18.01.2018**