



WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 18.01.2018**

**CORAM :
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
W.P (MD) No.20872 of 2017
&
WMP (MD) No.17167 of 2017**

R.Christina

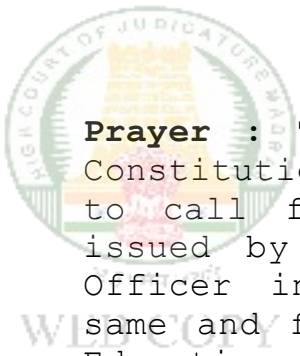
... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep.by its Secretary,
Department of School Education,
Fort St. George, Chennai - 600 009.
2. The Director of Elementary Education,
College Road, Chennai - 600 006.
3. The District Elementary Educational
Officer, Trichy District at Trichy.
4. The Assistant Elementary Educational
Officer, Trichy West, Trichy District.
5. The Chairman, TELC Education Board,
Tranquebar House, Tiruchirapalli - 620 001.
6. The Administrator,
The Tamil Evangelical Lutheran
Church (TELC), P.B.No.86,
Tranquebar House, Trichy - 620 001.
7. The Correspondent / Advocate Administrator,
Bishop Heuman Memorial Primary
School, Tranquebar House,
Trichy - 620 001, Trichy District.
8. The Headmistress,
Bishop Heuman Memorial Primary
School, Tranquebar House,
Trichy - 620 001, Trichy District.
9. E.D.Charless

... Respondents

(R9 is impleaded vide Court order
dated 18.01.2018 in
WMP (MD) No.1121 of 2018)



Prayer : This 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 impugned proceedings issued by the third respondent District Elementary Educational Officer in Na.Ka.No.4772/Aa4/2017, dated 14.12.2017, quash the same and further direct the third respondent District Elementary Education Officer to approve the appointment of the petitioner as Secondary Grade Teacher w.e.f., 09.10.2015 in the seventh respondent school, namely, Bishop Heuman Memorial Primary School, Tranquebar House, Trichy and disburse grant-in-aid towards her salary and other monetary benefits.

(Prayer is amended vide Court order dated 18.01.2018 in WMP(MD)No.1065 of 2018)

For Petitioner	: Mr.S.Xavier Rajini
For Respondents	: Mr.K.Saravanan, Govt.Advocate for R1 to R4 Mr.P.Dharmaraj Santhosam for R5 to R7 Mr.Govardhanan for R8 Mr.B.Prahalad Ravi for R9

O R D E R

Heard the learned counsel on either side.

2.The petitioner is working as a Secondary Grade Teacher in the seventh respondent school following the vacancy that arose on account of the transfer of the erstwhile incumbent. The petitioner was appointed in the vacancy that arose in a sanctioned post. The school management forwarded the proposal to the third respondent through the fourth respondent for approval of the petitioner's appointment and disbursement towards salary. The third respondent returned the proposal on the ground that the management school is coming under the corporate management and that there are surplus teachers in the other institutions coming under the same management.

3.It has been held by the Hon'ble 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 posts are sanctioned posts.

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 third respondent is directed to approve



forthwith the appointment of the petitioner in the seventh respondent school with effect from 09.10.2015 and disburse grant-in-aid towards her salary and also other consequential monetary benefits.

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

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
Department of School Education,
Fort St. George, Chennai - 600 009.
2. The Director of Elementary Education,
College Road, Chennai - 600 006.
3. The District Elementary Educational
Officer, Trichy District at Trichy.
4. The Assistant Elementary Educational
Officer, Trichy West, Trichy District.

+1cc to The Spl. Government Pleader Sr.No.42850

+1cc to S.Xavier Rajini, Advocate Sr.No.42982

SKM

VB/SB/SAR2/06.07.2018/3P/7C

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&
WMP(MD)No.17167 of 2017
18.01.2018**