



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.21510 of 2017

The Correspondent
St. Antony's Primary School,
Melakanam - 628 218,
Tuticorin District.

... Petitioner

-Vs-

1. The District Elementary Educational Officer,
Tuticorin, Tuticorin District.
2. The Additional Assistant Elementary
Educational Officer,
Tiruchendur, Tuticorin 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 herein vide Na.Ka.No.420/Aa1/2017 dated Nil.06.2017 (signed on 18.07.2017), quash the same and further direct the respondents herein to approve the appointment of S.Soosai Antony Jeya Deroose as Secondary Grade Teacher in the petitioner school w.e.f. 02.06.2016 and disburse grant-in-aid towards salary and other attendant benefits.

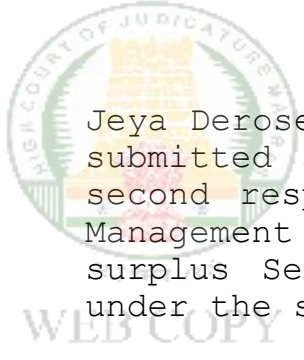
For Petitioner	: Mr.A.Ajith Geethan
For Respondents	: Mrs.S.Srimathi
	Special Government Pleader

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 primary School. It is coming under the corporate management of RC Diocese of Tuticorin. The petitioner appointed one S.Soosai Antony Jeya Deroose as Secondary Grade Teacher with effect from the 02.06.2016, in the vacancy caused by the promotion of the previous incumbent Tmt. D.Anna Mary as Headmistress on 01.06.2016. It is not in dispute that the post is a sanctioned one and that the said S.Soosai Antony



Jeya Deroose is eligible to be so appointed. But when the petitioner submitted a proposal for approval of the said appointment to the second respondent, it was declined on the ground that the School Management has not enclosed the certificate stating that there is no surplus Secondary Grade Teachers post in any other School coming under the same management.

4. It has been held by the Hon'ble Division Bench of this Court in **W.A. No.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 management. This is because the posts are sanctioned post.

5.The issue on hand is similar. Therefore, respectfully following the aforesaid decision, this Court quashes the order impugned in this writ petition. The respondents are directed to approve the appointment of S.Soosai Antony Jeya Deroose as Secondary Grade Teacher in the petitioner's school with effect from 02.06.2016 and also disburse the grant-in-aid and other consequential benefits forthwith, without any delay.

6.This Writ petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

sub Assistant Registrar

To

1. The District Elementary Educational Officer,
Tuticorin, Tuticorin District.
2. The Additional Assistant Elementary Educational Officer,
Tiruchendur, Tuticorin District.

+1CC to Mr.A.Ajith Geethan, Advocate in SR No.42804.

+1CC to Special Government Pleader in Sr No.43087.

KMI

DS/SV/MMS/SAR4 :04.05.2018: 2P/5C

W.P(MD)No.21510 of 2017

18.01.2018