

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 18.01.2018****CORAM:****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P. (MD) No.22515 of 2017**

The Correspondent
St.Antony's Middle School,
Puchikadu - 628 655
Tuticorin District.

... Petitioner

-Vs-

1. The District Elementary Educational Officer,
Tuticorin, Tuticorin District.
2. The Additional Assistant Elementary
Educational Officer, Sathankulam,
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 A.Thi.Mu.No.368/Aa1/2017 dated 24.11.2017, quash the same and further direct the respondents herein to approve the appointment of A.Arul Sulochana as Secondary Grade Teacher in the petitioner school w.e.f., 03.06.2016 and disburse grant-in-aid towards salary and other attendant benefits.

For Petitioner : Mr.A.Ajith Geethan

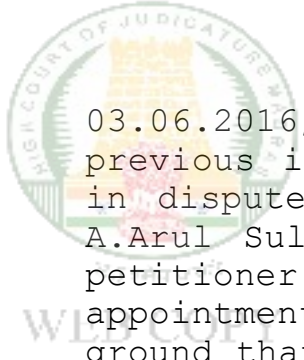
For Respondents : Mrs.S.Srimathi
Special Government Pleader

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 Educational Institution. It is coming under the corporate management of RC Diocese of Tuticorin. The petitioner appointed one Tmt.A.Arul Sulochana as Secondary Grade Teacher with effect from the



03.06.2016, in the vacancy caused by the retirement of the previous incumbent Tmt. M.Mary Nirmala on 29.02.2016. It is not in dispute that the post is a sanctioned one and that the said A.Arul Sulochana 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 ones.

5. In this view of the matter, the order impugned in this writ petition is quashed. The respondents are directed to approve the appointment of A.Arul Sulochana as Secondary Grade Teacher in the petitioner's school with effect from 03.06.2016 and also disburse the grant-in-aid towards salary and other consequential benefits forthwith, without any delay.

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

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

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

+ 1 cc TO Mr.A.Ajith Geethan , Advocate in SR No. 42805
+ 1 cc TO The Special Government Pleader in SR No. 43088

kmi
AE/RSK/SAR1/03.05.2018/2P/5C