



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.8432 of 2017****and****W.M.P. (MD)Nos.6431 and 6432 of 2017**

D.Beaula Christy

... Petitioner

-Vs-

1. The Director of School Education,
College Road, Chennai - 600 006.
2. The Chief Educational Officer,
Kanyakumari District at Nagercoil,
Kanyakumari District-629 001.
3. The District Educational Officer,
Kuzhithurai at Marthandam,
Kanyakumari District.
4. The Correspondent,
St. Bernadett's Church,
Mangalakundry, Mangalakundru Post,
Kanyakumari 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 third respondent District Elementary Educational Officer Na.Ka.No.8253/A2/2016, dated 25.03.2017, quash the same and further direct the third respondent District Educational Officer to approve forthwith the appointment of the petitioner as BT Assistant (Mathematics) in the fourth respondent school namely St. Bernadette's Higher Secondary School, Mangalakuntty, w.e.f., the date of her appointment viz. 02.06.2014 and disburse grant-in-aid towards the salary and other attendant benefits.

For Petitioner

<https://hcservices.ecourts.gov.in/hcservices/> For R-1 to R-3

: Mr.K.Prabhu

: Mr.J.Gunaseelan Muthiah

Additional Government Pleader

ORDER

Heard the learned Counsel appearing for the petitioner and learned Additional Government Pleader appearing for the Respondent Nos.1 to 3.

2. The petitioner was appointed as B.T. Assistant (Maths) in the fourth respondent School with effect from 02.06.2014 in the vacancy caused by the retirement of the previous incumbent R.Yesotharai on 31.05.2014. It is not in dispute that the vacancy in respect of which the appointment was made is a sanctioned one. It is also not in dispute that the petitioner is eligible to be so appointed. While so, the third respondent has returned the proposal for approval of the her appointment and disbursement towards her salary, on the ground that the School Management has not enclosed the no objection certificate from the Chief Educational Officer permitting the School to fill up the same. The Chief Educational Officer has also issued no objection certificate for filling up the post with effect from 02.06.2014 vide his proceedings dated 30.09.2016. Again the School Management has submitted the proposal for approval of the petitioner's appointment and the same has been returned vide impugned proceedings dated 25.03.2017 directing the School management to re-submit the proposal along with the details regarding the deployment of surplus posts made by the Management to the Schools run by the RC Diocese, Kottar.

3. 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 corporate management. This is because the post is a sanctioned post. Therefore, insisting the School Management to produce details regarding the deployment of surplus post made by the them, is clearly un-sustainable.

4. In this view of the matter, the order impugned in this writ petition is quashed. The third respondent is directed to approve forthwith the appointment of the petitioner as B.T.Assistant (Maths) in the fourth respondent School with effect from 02.06.2014 and disburse the grant in aid towards her salary and other monetary and attendant benefits without any delay.

5. This Writ Petition is allowed accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(AS)

/True Copy/



To

1. The Director of School Education,
College Road, Chennai - 600 006.
2. The Chief Educational Officer,
Kanyakumari District at Nagercoil,
Kanyakumari District-629 001.
3. The District Educational Officer,
Kuzhithurai at Marthandam,
Kanyakumari District.

- +1. C.C. to M/S.Isacc Chambers, Advocate SR.No.42927
+1. C.C. to The Special Government Pleader, Advocate SR.No.42855

W.P (MD) No.8432 of 2017
18.01.2018

kmi

PK/CSL/SAR-4/01.06.2018 : 3P/6C