



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P (MD) No.4696 of 2019

and

W.M.P. (MD) No.3746 of 2019

R.Sofila

... Petitioner

Vs.

1.The District Educational Officer,
Tuticorin @ Pudukottai,
Tuticorin District-628 103.
(Previously called as District Elementary
Educational Officer)

2.The Block Educational Officer,
Srivaikundam Union, Tuticorin District.

3.The Correspondent,
St.Mary's Middle School,
Palayakayal,
Tuticorin District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records relating to the impugned Staff-Fixation for the academic year 2017-2018 issued by the 1st respondent herein in proceedings No.Nil, dated Nil, and subsequent impugned proceedings issued by the second respondent herein vide O.Mu.No.964/A1/2018, dated 23.11.2018, quash the same and further direct the respondents herein to approve the appointment of petitioner as Secondary Grade Teacher in the third respondent school, w.e.f., 24.07.2018 and disburse grant-in-aid towards salary and other attendant benefits.

For Petitioner
For R1 and R2

:Mr.A.Ajith Geethan
:Mrs.S.Srimathy,
Special Government Pleader

ORDER

This writ petition has been filed seeking issuance of a Writ of Certiorarified Mandamus, to quash the impugned proceedings issued by the respondent authorities and consequently, directing the respondent authorities to approve forthwith the appointment of the petitioner as Secondary Grade Teacher with effect from the date of her appointment and other consequential relief.



2.It is the case of the petitioner that the 3rd respondent School is a recognised Government Aided Minority Educational Institution, wherein the post of Secondary Grade Teacher fell vacant on account of the retirement of the incumbent one A.Salbina on 30.06.2018. In that vacancy, the petitioner was appointed as Secondary Grade Teacher on 24.07.2018. Thereafter, the 3rd respondent School submitted a proposal to the first respondent through the 2nd respondent on 31.10.2018, requesting to approve the appointment of the petitioner as Secondary Grade Teacher and disburse grant-in-aid towards her salary. However, the second respondent, vide impugned proceedings dated 23.11.2018, returned the said proposal on the ground that there are surplus posts in the said School, as per staff-fixation made by the first respondent for the academic year 2017-18. Aggrieved over the same, the petitioner has filed the present Writ Petition for the aforesaid relief.

3.The learned counsel appearing for the petitioner submitted that the approval sought for is only for the sanctioned staff strength and therefore, there is no surplus Teacher in the 3rd respondent School. The learned counsel also submitted that a Division Bench of this Court has dealt with the very same issue in 2018 (1) Writ L.R 421 [the Director of Elementary Education and others Vs. the Correspondent].

4.The learned counsel appearing for the petitioner further submitted that as per the Government Order in G.O(Ms)No.525, School Education (D1) Department, dated 29.12.1997, it is only for the Director of Elementary Education to redeploy the staff from one School to another and that the respondent School cannot redeploy them on its own.

5.The learned Special Government Pleader brought to the notice of this Court that there are surplus teachers in the 3rd respondent school and the same is not adhered to by the Management.

6.In such view of the matter, the impugned proceedings dated 23.11.2018 issued by the second respondent is set aside. The respondent authorities are directed to grant approval for appointment of the petitioner as Secondary Grade Teacher in the 3rd respondent school, at the earliest. As and when the approval is granted, considering the surplus strength, deployment order is to be given forthwith by the Management with immediate effect.

7.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar



To

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3.The Correspondent,
St.Mary's Middle School,
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Tuticorin District.

+1CC TO Mr.A.Ajith Geethan, Advocate, Sr No.55716

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.55829

W.P (MD) Nos.4696 of 2019
20.03.2019

cmr/rk

MS/28.05.2019/3P.6C