



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **22.03.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WEB COPY

WP (MD) No.11223 of 2017

and

WMP (MD) No.8608 of 2017

S.Mary Hilda

... Petitioner

Vs.

1.The District Elementary Educational Officer,
Tirunelveli, Tirunveli District.

2.The Assistant Elementary Educational Officer,
Vallioor,
Tirunelveli District -627 117.

3.The Correspondent,
Nirmala RC Middle School,
Therku Vallioor,
Tirunelveli District - 627 117.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified mandamus, calling for the records relating to the impugned staff fixation for the academic year 2016-2017 issued by the 1st respondent herein vide proceedings No.Nill dated 20.03.2017 and subsequent impugned proceedings issued by the 2nd respondent herein vide A.Thi.Mu.No.628/Aa1/2017, dated 05.05.2017 and quash the same and further direct the respondents herein to approve the appointment of the petitioner as Secondary Grade Teacher in the 3rd respondent School with effect from 01.03.2017 and disburse grant-in-aid towards salary and other attendant benefits.

For Petitioner

: Mr.A.Ajith Geethan

For Respondents

: Mrs.S.Srimathy,

Special Government Pleader

ORDER

This writ petition has been filed seeking a writ of certiorarified mandamus, calling for the records relating to the impugned staff fixation for the academic year 2016-2017 issued by the 1st respondent dated 20.03.2017 and subsequent impugned proceedings issued by the 2nd respondent, dated 05.05.2017 and quash the same and further directing the respondents herein to approve the appointment of the petitioner as Secondary Grade Teacher in the 3rd respondent School with effect from 01.03.2017 and disburse grant-in-aid towards salary and other attendant benefits.



2.It is the case of the petitioner that the third respondent's School, in which she is working, is a recognised Government Minority Educational Institution, wherein the post of Secondary Grade Teacher fell vacant on 01.03.2017 due to retirement of the previous incumbent. In that vacant post, the petitioner was appointed as a Secondary Grade Teacher with effect from 01.03.2017. The third respondent's School submitted a proposal to the 1st respondent through the 2nd respondent on 15.03.2017 requesting to approve the appointment of the petitioner with effect from 01.03.2017. The 2nd respondent returned the said proposal vide impugned proceedings dated 05.05.2017 stating that one post of Secondary Grade Teacher was rendered as surplus among the 8 sanctioned posts in the 3rd respondent School as per the staff fixation made by the first respondent for the academic years 2015-2016 and 2016-2017. Therefore, the petitioner, challenging the said proceedings of the respondents 1 and 2 is before this Court.

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 in the 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, St.Joseph's RC Primary School, Palakurichy- 621 308, Tiruchirappalli District].

4.The learned Counsel for the petitioner further submitted that as per Government Order in GO(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.

5.In such view of the matter, the respondent Authorities are directed to grant approval at the earliest. As and when approval is granted and deployment order is passed considering the surplus strength, such deployment order is to be given forthwith by the Management with immediate effect.

6.With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The District Elementary Educational Officer,
Tirunelveli, Tirunveli District.

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+1 CC to M/s.A.AJITHI GEETHAN, Advocate (SR-56179[F] dated
25/03/2019)

+1 CC to M/s.SPL GP (SR-56242[F] dated 25/03/2019)

DSK

ORDER MADE IN

WP (MD) No.11223 of 2017
22.03.2019

KM/ (07.06.2019) 3P 6C