



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE. R.MAHADEVAN

W.P (MD) No.19065 of 2018 and
WMP (MD) .Nos.16915 and 16916 of 2018

The Correspondent,
St. Joseph's Convent,
Higher Secondary School,
Nagercoil,
Kanyakumari District - 624 101

... Petitioner

Vs.

1.The Director of Elementary Education,
College Road, Chennai - 600 006.

2.The Chief Educational Officer,
Nagercoil, Kanyakumari District.

3.The District Educational Officer,
Nagercoil, Kanyakumari 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 proceedings issued by 3rd respondent District Education Officer in Na.Ka.No.3190/A1/2018 dated 31.07.2018, quash the same and further direct the 2nd and 3rd respondents to approve forthwith the appointment of M.Brainy Vinobha as BT Assistant (English) in the petitioner's school with effect from 12.02.2016 and disburse the grant-in-aid towards her salary and allowances w.e.f the said date with all attendant benefits.

For Petitioner : Mr. K. Raghatheeshkumar
M/s.ISAAC CHAMBERS

For Respondents : 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 3rd respondent District Education Officer in Na.Ka.No.3190/A1/2018 dated 31.07.2018, and further direct the 2nd and 3rd respondents to approve forthwith the appointment of M.Brainy Vinobha as BT Assistant (English) in the petitioner's school with effect from 12.02.2016 and disburse the grant-in-aid towards her salary and allowances w.e.f the said date with all attendant



benefits.

2. It is the case of the petitioner that the petitioner's School is recognized as Government Aided Minority Educational Institutions, wherein the post of B.T Assistant in the School fell vacant due to the promotion of the then incumbent Tmt. Candis Fathima Periera as P.G. Assistant on 08.02.2016. Thereafter, the School submitted a proposal to the 4th respondent to approve the appointment and disburse grant-in-aid towards her salary and the 4th respondent / District Educational Officer, returned the proposal to petitioner's school directing them to resubmit the proposal after obtaining no objection certificate from the 2nd respondent / Chief Educational Officer. Challenging the same, the petitioner has filed the present Writ Petition.

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 Schools. 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 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 petitioner's 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 Management and the same is not adhered to by the Management.

6. In such view of the matter, the Government 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.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //



To

1.The Director of Elementary Education,
College Road, Chennai - 600 006.

2.The Chief Educational Officer,
Nagercoil, Kanyakumari District.

3.The District Educational Officer,
Nagercoil, Kanyakumari District.

+1CC TO MR.ISAAC CHAMBERS, Advocate Sr. No.56831

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 57195

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AVS (CO)

TR (23.05.2019) 3P 6C