



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.21381 of 2019

and

W.M.P(MD) .Nos.18040 and 18041 of 2019

T.Joseph Ravi

... Petitioner

-Vs-

1.The Chief Educational Officer
Office of the Chief Educational Office
Tiruchirappalli
Tiruchirappalli District

2.The District Educational Officer
Tiruchirappalli
Tiruchirappalli District

3.The Block Educational Officer
Tiruverumber
Tiruchirappalli District

4.Sri.Murugan Aided Elementary School
Asoor, Thiruverumber, Tiruchirappalli
Represented by its Secretary
Mr.T.Karthikeyan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned proceedings in Na.Ka.No.0583/A3/2019, dated 09.03.2019 passed by the 2nd respondent and impugned proceedings passed by the 1st respondent in Na.Ka.No.2294/D3/2018m dated .05.2019 signed on 20.05.2019 and quash the same as illegal and consequently direct the respondents 1 and 2 to reconsider the proposal dated 01.09.2015 submitted by the 4th respondent School for granting approval to the appointment of writ petitioner as Secondary Grade Teacher in the 4th respondent School and approve the same with effect from the date of appointment ie. 13.07.2015 with all consequential monetary benefits and arrears, within the time limit fixed by this Court.



For Petitioner : Mr.M.Dinesh
For R1 to R3 : Mr.A.Thiyagarajan
Government Advocate

WEB COPY

ORDER

This Writ petition has been filed to call for the entire records relating to the impugned proceedings in Na.Ka.No.0583/A3/2019, dated 09.03.2019 passed by the 2nd respondent and the impugned proceedings passed by the 1st respondent in Na.Ka.No.2294/D3/2018m, dated .05.2019 signed on 20.05.2019 and quash the same as illegal and consequently, direct the respondents 1 and 2 to reconsider the proposal dated 01.09.2015, submitted by the 4th respondent School for granting approval to the appointment of writ petitioner as Secondary Grade Teacher in the 4th respondent School and approve the same with effect from the date of appointment ie. 13.07.2015 with all consequential monetary benefits and arrears, within the time limit fixed by this Court.

2.The 4th respondent School is a recognized private Government aided non-minority School. In the said School, one post of Secondary Grade Teacher fell vacant on 15.06.2011. The fourth respondent School applied for prior permission to fill up the said post before the Competent Authority. After securitizing the documents and staff fixation order, the competent authority granted permission to fill up the said post on 12.06.2015. The fourth respondent School issued notification, after obtaining permission. The fourth respondent School by following the due process of selection, appointed the petitioner herein as Secondary Grade Teacher on 13.07.2015 and forwarded proposal dated 01.09.2015 to the second respondent, for approving the appointment of the petitioner as Secondary Grade Teacher w.e.f. 13.07.2015 and for grant-in-aid. No order was passed on the proposal. Subsequently, the petitioner filed W.P(MD).No.14011 of 2018, for a direction to the second respondent to approve the appointment of the petitioner and release all the consequential service and monetary benefits to the petitioner. This Court, by order dated 02.07.2018, directed the second respondent to consider the proposal sent by the fourth respondent School by taking into consideration the inspection report of the third respondent, dated 24.10.2017. Without considering the directions issued by this Court, the second respondent simply rejected the proposal on 09.03.2019, by relying G.O.Ms.No.231, School Education Department, dated 11.08.2010. The said order of the second respondent was challenged by the fourth respondent School before the first respondent. The first respondent confirmed the order of the second respondent, without giving proper reason. The orders of the second respondent and the first respondent are being challenged in the present Writ petition.



3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3.

4. From the materials on record, it is seen that the vacancy in the fourth respondent School arose on 15.06.2011. The fourth respondent School after obtaining prior permission from the Competent Authority, appointed the petitioner as Secondary Grade Teacher and forwarded the proposal to the second respondent for approval. The second respondent rejected the proposal, by relying on G.O.Ms.No.231, School Education Department, dated, 11.08.2010, which deals fixation of teacher-pupil ratio. The said reason of the second respondent for returning the proposal of the fourth respondent, is erroneous. In the present case, the vacancy arose in the sanctioned post and the respondents gave prior permission to fill up the said post to the fourth respondent School. Having given prior permission, it is not open to the respondents 1 and 2 to reject the proposal for approval of the appointment. Further, this Court, by order dated 02.07.2018 in W.P(MD).No.14011 of 2018, directed the District Elementary Educational Officer, now merged with the second respondent herein, to consider the proposal sent by the fourth respondent School for appointment of the petitioner as Secondary Grade Teacher. The second respondent has not considered the proposal submitted by the fourth respondent as per order of this Court and not considered the Inspection Report dated 24.10.2017 as directed by this Court and erroneously rejected the proposal in the light of G.O.Ms.No.231, School Education Department, dated 11.08.2010. The reason given by the second respondent that the post can be filled up by deploying surplus teacher, is not applicable to the present case, as the second respondent has already given prior permission to the fourth respondent School to fill up the vacancy.

5. For the above reason, the orders passed by the second respondent, dated 09.03.2019 and the first respondent, dated 20.05.2019 are set aside. The second respondent is directed to consider the proposal sent by the fourth respondent School for the appointment of the petitioner as Secondary Grade Teacher at the fourth respondent School, by taking into consideration the proposal forwarded by the third respondent with his Inspection Report, dated 24.10.2017 and pass orders with regard to approval of the petitioner's appointment, within a period of six weeks from the date of receipt of a copy of this order. Accordingly, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //



To

1.The Chief Educational Officer
Office of the Chief Educational Office
Tiruchirappalli
Tiruchirappalli District

2.The District Educational Officer
Tiruchirappalli
Tiruchirappalli District

3.The Block Educational Officer
Tiruverumber
Tiruchirappalli District

+1 CC to M/s.Special Govt.Pleader (SR-97263[F] 11/11/2019)

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msa

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