



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD) No.21926 of 2019

and

W.M.P(MD) .No.18686 of 2019

WEB COPY

The Correspondent
St.John's Girls Higher Secondary School
Kodaikanal 624 101
Dindigul District

... Petitioner

-Vs-

1.The State of Tamil Nadu
Represented by its Secretary
Department of School Education
Fort.St.George,
Chennai 600 009

2.The Director of School Education
College Road, Chennai 600 009

3.The Chief Educational Officer
Dindigul, Dindigul District

4.The District Educational Officer
Palani, Dindigul District

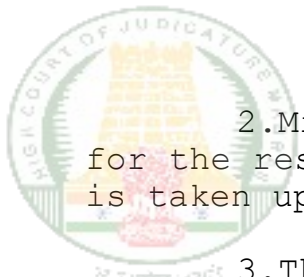
...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 3 and 4 to approve forthwith the appointment of Sister V.Karophin Mary as B.T.Assistant in History in the petitioner School w.e.f the date of her appointment viz., 01.06.2018, with salary and all attendant benefits.

For Petitioner : Mr.K.Ragatheesh Kumar
For M/s.Isaac Chamber
For Respondents : Mr.A.Thiagarajan
Government Advocate

ORDER

The writ petition has been filed for a direction to the respondents 3 and 4 to approve the appointment of Sister V.Karophin Mary as B.T.Assistant (History) in the petitioner School with effect from 01.06.2018 with salary and all attendant benefits.



2.Mr.A.Thiagarajan, learned Government Advocate takes notice for the respondents. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.The petitioner School is a recognized and aided minority Educational Institution administered by the Missionary Sisters of the Immaculate Heart of Mary, which is a registered Society. In the petitioner School, one post of B.T. Assistant (History) fell vacant from 01.06.2018, due to the retirement of then incumbent Tmt.M.Maria Ruby Angel Jebamalai on 31.05.2018. In that vacancy, the School appointed one Sister V.Karophin Mary as B.T.Assistant (History) on 01.06.2018. She joined duty on 01.06.2018 itself and continuously working therein. The petitioner School sent a proposal for approval of her appointment to the third respondent through the fourth respondent on 10.10.2018 along with all the relevant documents. Thereafter, the petitioner met the officials of the respondents 3 and 4 and they informed that they would consider the said proposal and pass necessary orders at the earliest. However, there was no response. After that, when the petitioner met the officials of the respondents 3 and 4 in this regard, it was orally informed that they would consider the proposal only after the surplus teachers working in the other Schools in the District are deployed. The learned counsel for the petitioner further submitted that the surplus teachers working in the other Schools have no relevance for considering the proposal of the petitioner School, especially, when there are no surplus teachers available in the petitioner School and also in any other Schools under the same Management of the petitioner. Hence, the petitioner has come up with the present Writ petition.

4.Considering the nature of relief sought for in the Writ petition and also considering the submission of the learned counsel for the petitioner, without deciding the issue on merits, the respondents 3 and 4 are directed to consider the proposal submitted by the petitioner, dated 10.10.2018 and approve the appointment of Sister V.Karophin Mary as B.T. Assistant in History in the petitioner School, if it is otherwise in order.

5.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar(CS)



- 1.The Secretary
State of Tamil Nadu
Department of School Education
Fort.St.George,
Chennai 600 009
- 2.The Director of School Education
College Road, Chennai 600 009
- 3.The Chief Educational Officer
Dindigul, Dindigul District
- 4.The District Educational Officer
Palani, Dindigul District .

+1 CC to M/s.ISAAC CHAMBERS, Advocate(SR-92939[F] dated 18/10/2019)

+1 CC to SPL GP (SR-93092[F] dated 18/10/2019)

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VB(08.11.2019) 3P 7C