



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD) No.23581 of 2019

and

W.M.P(MD).No.20213 of 2019

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I.Arockia Mary
B.T.Assistant in Science
Holy Family RC Higher Secondary School
Ammapettai, Trichy 620 009

... Petitioner

-Vs-

1.The State of Tamil Nadu
Represented by its Secretary
Department of School Education
Fort.St.George, Chennai -09

2.The Director of School Education
College Road, Chennai -06

3.The Chief Educational Officer
Trichy District at Trichy

4.The District Educational Officer
Trichy, Trichy District

5.The Correspondent
Holy Family RC Higher Secondary School
Ammapettai, Trichy 620 009

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 3rd respondent Chief Educational Officer, Trichy to approve forthwith the appointment of the petitioner as B.T.Assistant in Science in the 5th respondent School namely, Holy Family RC Higher Secondary School, Ammapettai, Trichy with effect from 07.06.2017 and disburse grant-in-aid towards her salary with all attendant benefits and allowances.

For Petitioner : Mr.S.Xavier Rajini
For R1 to R4 : Mr.M.Karuppasamy
Government Advocate

ORDER

This Writ petition has been filed for a direction to the 3rd respondent, Chief Educational Officer, Trichy, to approve forthwith

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the appointment of the petitioner as B.T.Assistant in Science in the 5th respondent School namely, Holy Family RC Higher Secondary School, Ammapettai, Trichy, with effect from 07.06.2017 and disburse grant-in-aid towards her salary with all attendant benefits and allowances.

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2. Mr.M.Karuppasamy, learned Government Advocate takes notice on behalf of the respondents 1 to 4. By consent of parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.The petitioner is working as B.T. Assistant (Science) in the fifth respondent School, which is a recognized and Aided Minority Educational Institution. One Tmt.A.Mary Shanthi, Secondary Grade Teacher in the fifth respondent School attained the age of superannuation on 31.05.2017. The Government, vide G.O.Ms.No.79, School Education Department, dated 21.06.2002, informed that the posts of Secondary Grade Teachers should be upgraded as B.T.Assistant/Middle Grade Graduate posts as and when they fell vacant. Accordingly, a vacancy for the post of Secondary Grade Teacher arose in the fifth respondent School due to retirement of the said A.Mary Shanthi, stood upgraded as B.T Assistant/Middle Grade Graduate. The petitioner was appointed as B.T. Assistant in Science in the fifth respondent School on 07.06.2017. The fifth respondent School submitted proposal to the third respondent, requesting to approve the petitioner's appointment as B.T. Assistant in Science and disburse grant-in-aid towards her salary. The third respondent has not approved the proposal submitted by the fifth respondent on the ground that the petitioner was appointed in the fifth respondent School without obtaining prior permission from the Chief Educational Officer. Thereafter, the petitioner made several representations stating that the fifth respondent School, being a Minority Educational Institution, it is not necessary to obtain prior permission from the Chief Educational Officer to fill up the sanctioned vacancy. So far, the third respondent has not passed any order. Hence, the petitioner has come up with the present Writ petition.

4.The learned counsel appearing for the petitioner submitted that it would suffice, if a direction is issued to the third respondent to consider the proposal already submitted by the fifth respondent on merits.

5.Considering the nature of relief sought for in the Writ petition, without deciding the issue on merits, the third respondent is directed to consider the proposal already submitted by the fifth respondent and pass orders on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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

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Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

msa

To

1. The Secretary
State of Tamil Nadu
Department of School Education
Fort.St.George, Chennai -09
2. The Director of School Education
College Road, Chennai -06
3. The Chief Educational Officer
Trichy District at Trichy
4. The District Educational Officer
Trichy, Trichy District

+1 CC to Spl GP (SR-97247[F] dated 11/11/2019)

+1 CC to Mr.S. XAVIER RAJINI, Advocate (SR-97432[F] dated 12/11/2019)

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VB(03.12.2019) 3P 7C