



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.24463 of 2019

and

W.M.P (MD)Nos.21091 & 21093 of 2019

WEB COPY

Mrs.M.Petchiammal

... Petitioner

Vs.

1.The Chief Educational Officer,
O/o.Chief Educational Office,
Thoothukudi,Thoothukudi District.

2.The District Educational Officer,
Tiruchendur,Thoothukudi District.

3.The Block Educational Officer,
Udangudi,Thoothukudi District.

4.The Correspondent,
T.N.D.T.A.Middle School,
Meiyur, Udangudi Range,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned proceedings in Oo.Mu.No.1146/A2/2019, dated 25.09.2019 passed by the third respondent and quash the same as illegal and consequently direct the respondents 2 and 3 to reconsider the proposal submitted by the fourth respondent school for approval of the appointment of writ petitioner as B.T.Assistant in the fourth respondent school and approve the same with effect from the date of the appointment i.e., 28.08.2017 with all consequential monetary benefits and arrears, within the time limit fixed by this Hon'ble Court.

For Petitioners	: Mrs.D.Rukmani
For R1 to R3	: Mr.M.Karuppasamy, Government Advocate
For R4	: A.Chilamparasan

ORDER

The present writ petition is filed challenging the impugned proceedings in Oo.Mu.No.1146/A2/2019, dated 25.09.2019, passed by the third respondent and for consequential direction to the respondents 2 and 3 to reconsider the proposal submitted by the fourth respondent school for approval of the appointment of writ petitioner as B.T.Assistant in the fourth respondent school.

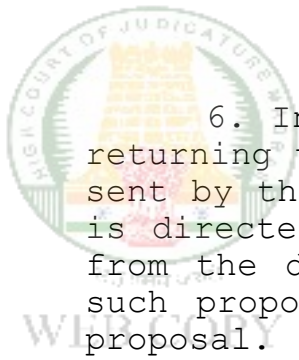


2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3.

3. The petitioner is having educational qualification of B.A. (History), M.A.(History) and B.Ed., and also possessing TET Certificate. The petitioner is fully qualified to be appointed as B.T.Assistant. The fourth respondent school is a Minority Institution. In the said school, the post of B.T.Assistant has become vacant on account of retirement of incumbent Mrs.T.Susila on 31.01.2017. The fourth respondent has issued notification calling for application from the eligible candidates to the said post. The petitioner applied for the post. After due process of selection, she was appointed as B.T.Assistant on 28.08.2017. The fourth respondent school sent proposal to the third respondent for approval of appointment of the petitioner on 30.08.2017. The said proposal was returned on various dates and the fourth respondent resubmitted the said proposal after rectifying the defects pointed out by the third respondent. The said proposal was kept pending without passing any orders. On the enquiry, for the delay in passing the orders in the proposal, the third respondent informed the petitioner that due to bifurcation of District, there is a delay in passing the orders in the proposal. After repeated reminders, the third respondent returned the proposal by the impugned order dated 25.09.2019, on the ground that minority status of the fourth respondent is under dispute and the said issue is pending in W.P.(MD)No.5863 of 2019.

4. Mrs.D.Rukmani, learned counsel appearing for the petitioner contended that when the petitioner was appointed on 28.08.2017, the fourth respondent was recognised as Minority Institution. The third respondent, by the proceedings, dated 12.07.2017, renewed the recognition for the period from 01.04.2016 to 31.03.2019. The petitioner was appointed on 28.08.2017 within the above said period. The third respondent did not renew the minority status. Only after 01.04.2019, the Management has filed the writ petition in W.P.(MD) No.5863 of 2019 and the same is pending.

5. From the materials on record, it is seen that the petitioner was appointed as B.T.Assistant on 28.08.2017 by the fourth respondent in the sanctioned vacant post after due process of selection. The petitioner is fully qualified to be appointed as B.T.Assistant and she is also passed TET examination. When the petitioner was appointed as B.T.Assistant, the fourth respondent school was recognised as minority institution. When such is the case, the reason given by the third respondent in the impugned order for returning the proposal for approval of appointment of the petitioner, is erroneous. Till 31.03.2019, the fourth respondent school was recognised as Minority Educational Institution. The petitioner was appointed during the said period.



6. In view of the same, the impugned order, dated 25.09.2019, returning the proposal for approval of appointment of the petitioner sent by the fourth respondent, is set aside. The fourth respondent is directed to resubmit the proposal, within a period of two weeks from the date of receipt of a copy of this order. On receiving such proposal, the respondents are directed to pass orders on the proposal.

7. In view of the above, the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Chief Educational Officer,
Thoothukudi,Thoothukudi District.

2.The District Educational Officer,
Tiruchendur,Thoothukudi District.

3.The Block Educational Officer,
Udangudi,Thoothukudi District.

+1 CC to M/s.D.RUKMANI, Advocate (SR-102105[F] dated 28/11/2019)

+1 CC to M/s.SPL GP (SR-102390[F] dated 28/11/2019)

+1cc to M/S.A.Chilamparasan, Advocate, Sr.No.73083

W.P. (MD)No.24463 of 2019

27.11.2019

SMA/08/01/2020/3P/7C