

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.01.2020

Coram

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

Writ Petition No.18041 of 2015
and M.P.1 of 2015 and
W.M.P.No.25618 of 2016

D.M.Nirubakumari Petitioner

Vs.

1. Joint Director of Elementary Education,
(Aided School Scheme), College Road,
Chennai 600 006.
2. District Elementary Educational Officer,
Salem, Salem District.
3. Assistant Elementary Educational Officer,
Salem (Urban), Salem District.
4. The Correspondent/Manager,
C.S.I. Aided Middle School, Gugai,
Salem 636 006,
Salem District. Respondents

Prayer: This Writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified mandamus or any other appropriate Writ or order or direction in the nature of writ calling for the records pertaining to the order passed by the 1st respondent in proceedings Na.Ka.No.7953/H2/2015 dated 14.05.2015 and quash the same and direct the respondents to consider the subject conversion of B.T. Assistant (Science) into B.T. Assistant (Mathematics) and approve the appointment of the petitioner as B.T. Assistant (Mathematics) in the 4th respondent school and confer all the consequential benefits.

For Petitioner : Mr.P.Ganesan

For Respondent : Mrs.P.Kavitha, Gov. Advocate,
for R1 and R3
No appearance for R4.

O R D E R

This petition has been filed to quash the order passed by the 1st respondent in proceedings Na.Ka.No.7953/H2/2015 dated 14.05.2015 and direct the respondents to consider the subject conversion of B.T. Assistant (Science) into B.T. Assistant (Mathematics) and approve the appointment of the petitioner as B.T. Assistant (Mathematics) in the 4th respondent school and confer all the consequential benefits.

2. The case of the petitioner in nutshell is as follows.

The petitioner is a B.T. Assistant (Maths qualified) and she was appointed on 10.01.2012 as B.T. Assistant (Science) in the 4th respondent school which is having standards 1 to 8, as the vacancy arising due to the incumbent, who was holding the post of B.T. Assistant (Science) was promoted as Headmistress of the same school. As per the order issued by the Government, whenever vacancy arises in the cadre of Secondary Grade Teacher due to the retirement or promotion, the said post shall be upgraded and filled up with the B.T. qualified person for the standards 6 to 8. Accordingly the petitioner was appointed as B.T. Assistant (Science) by the 4th respondent and a proposal for approval of the appointment of the petitioner was forwarded to the 2nd respondent. However, the 2nd respondent returned the proposal on the ground that unless B.T. Assistant (Science) post is converted into one as B.T. Assistant (Maths), the appointment of the petitioner cannot be approved, since the petitioner is a B.T. Assistant (Maths). Therefore, the 4th respondent forwarded a letter to the first respondent requesting for conversion of B.T. Assistant (Science) into B.T. Assistant (Maths). However, no steps was taken and hence she filed a writ petition in W.P.No.25397 of 2014 for direction to the respondents to consider the conversion of the subject and for approval of the appointment of the petitioner. This court, by an order dated 08.12.2014, directed the first respondent to consider the representation and pass order on merits within a period of 8 weeks. Enclosing the above said order copy, the petitioner has made representation to the first respondent. However, the first respondent passed the impugned order. Hence this writ petition.

3. The learned Government Advocate submitted that on earlier occasion, the first respondent has rejected the claim of the management for conversion of the post of B.T. Assistant (Science) into B.T. Assistant (Maths). She further submitted that, if the school management sent any proposal afresh for conversion of the subject, the same shall be considered in accordance with law.

4. Recording the submissions made by the parties and on perusing the materials available on record, this court hold that no relief can be granted, as far as the impugned order is concerned. However, it is open to the school management to send a proposal afresh to the authority concerned for considering the conversion of B.T. Assistant (Science) into B.T. Assistant (Maths).

5. With the above observation, this writ petition is disposed of. No costs. The connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1. The Joint Director of Elementary Education,
(Aided School Scheme), College Road,
Chennai 600 006.
2. The District Elementary Educational Officer,
Salem, Salem District.
3. The Assistant Elementary Educational Officer,
Salem (Urban), Salem District.

+1cc to the Government Pleader Sr.4386
+1cc to M/s.C.S. Associates, Advocate Sr.3797

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srg 21/02/2020