



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.1108 of 2020

and

W.M.P (MD) .No.892 of 2020

Correspondent
Amali Girls Higher Secondary School
Irudayakulam
Vickramasingapuram
Tirunelveli 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
Tirunelveli, Tirunelveli District

4.The District Educational Officer
Cheranmahadevi, Tirunelveli District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein approve forthwith the appointment of S.Maria Sabitha as Physical Education Teacher in the petitioner's School w.e.f. 01.06.2018 and disburse the grant-in-aid towards her salary and allowance w.e.f. the said date.

For Petitioner : Ms.A.Amala

For Respondents : Mr.M.Karuppasamy
Government Advocate

O R D E R

This Writ petition has been filed for a direction to the respondents herein approve forthwith the appointment of S.Maria

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Sabitha as Physical Education Teacher in the petitioner's School w.e.f. 01.06.2018 and disburse the grant-in-aid towards her salary and allowance w.e.f. the said date.

2.Mr.M.Karuppasamy, learned Government Advocate takes notice of the respondents. By consent of both parties, the Writ Petition is taken up for final hearing at the stage of admission itself.

3.The petitioner School is a recognized religious minority School, in which, one post of Physical Education Teacher fell vacant on 01.06.2018 due to the retirement of previous incumbent Tmt. M.Jeyanthi Mary on 31.05.2018. In that vacancy, the School appointed a fully qualified candidate namely one S.Maria Sabitha as Physical Education Teacher w.e.f 01.06.2018. The petitioner School submitted a proposal to the fourth respondent on 15.04.2019 requesting him to approve the appointment of S.Maria Sabitha as Physical Education Teacher and disburse grant-in-aid towards her salary.

4.The learned counsel for the petitioner would submit that the fourth respondent by his proceedings in Na.Ka.No.1504/A3/2019, dated .. 05.2019 forwarded the proposal to the third respondent. The fourth respondent by his proceedings dated 30.07.2019 informed that as per staff fixation of the year 2018-2019, there are surplus teachers in the corporate management and after deploying the surplus teachers only fresh appointment can be done. On 16.08.2019 itself, the petitioner School submitted a detailed reply explaining that there is no surplus in Physical Education Teacher. On the receipt of the explanation submitted by the School, the respondents have not passed any order and the reminder has also been sent by the petitioner School on 31.12.2019, requesting to approve the appointment of S.Maria Sabitha as Physical Education Teacher with effect from 01.06.2018. The grievance of the petitioner School is that though the reply has been given by the petitioner stating that there is no surplus teacher, till now, no order has been passed by the respondents. Hence, the petitioner is before this Court.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

6.Considering the limited scope of prayer sought for by the petitioner, without deciding the issue on merits, the third respondent is directed to pass orders on the proposal submitted by the petitioner School on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.



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

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

msa

To

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
Tirunelveli, Tirunelveli District

4. The District Educational Officer
Cheranmahadevi, Tirunelveli District

+1 CC to SPL.GP (SR-2577[F] dated 23/01/2020)

+1 CC to M/s.A.AMALA, Advocate (SR-2729[F] dated 24/01/2020)

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and

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