



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :08.12.2020

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THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

W.P. (MD) No.17970 of 2020

and

W.M.P. (MD) No.14974 of 2020

J.Kulandai Therase

...Petitioner

Vs

1.The Chief Educational Officer,
Ramanathapuram District.

2.The District Educational Officer,
Paramakudi,
Ramanathapuram District.

3.The Correspondent,
Alangara Matha Higher Secondary School,
Paramakudi,
Ramanathapuram District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the 2nd respondent in his proceedings in O.Mu.No.1933/A3/2020, dated Nil.09.2020 and quash the same and direct the respondents to approve the petitioner's appointments as pre Vocational Instructor Tailoring Teacher with effect from 10.07.2019 with salary and confer all the consequential benefits.

For Petitioner : Mr.V.Panneer Selvam

For R1 & R2 : Mr.N.Shanmugaselvam

Additional Government Pleader

ORDER

This Writ Petition is filed to quash the impugned order passed by the 2nd respondent in O.Mu.No.1933/A3/2020, dated Nil and to direct the respondents to approve the petitioner's appointment as Pre-Vocational Instructor Tailoring Teacher, with effect from 10.07.2019.

2.The learned counsel appearing for the petitioner would submit that the petitioner was working as Pre-Vocational Instructor Tailoring Teacher in the 3rd respondent school. On 18.02.2020, the



school management has sent a proposal to the 1st respondent through the 2nd respondent, by enclosing all the relevant documents for approval of the petitioner's appointment. But the 2nd respondent, by proceedings dated Nil, has returned the said proposal, directing the management to produce a certificate that there are no surplus teachers available in the said cadre in the 3rd respondent school, which, according to the petitioner, is arbitrary and therefore, the petitioner has filed the present petition.

3. Per contra, Mr.N.Shanmugaselvam, learned Additional Government Pleader, who takes notice on behalf of the respondents 1 and 2, would fairly submit that if the petitioner produces the certificate as requested by the 2nd respondent, the 2nd respondent will consider the claim of the petitioner with regard to grant of approval for the said post on merits and in accordance with law.

4. It is represented that the 3rd respondent school does not have any surplus teacher post and they are ready and willing to provide the certificate as requested by the 2nd respondent.

5. In view of the above and considering the facts and circumstances of the case that each school is entitled for one post of Pre-Vocational Instructor Tailoring Teacher, this Court is inclined to issue the following directions:-

i) since it is represented that the 3rd respondent is not having any surplus teachers in the said cadre in their management, the 3rd respondent is directed to provide a certificate to this effect, for the purpose of approval of the petitioner's appointment to the 2nd respondent, within a period of two weeks from the date of receipt of a copy of this order, in which case, the 2nd respondent shall forward the same to the 1st respondent along with his recommendation, within a period of four weeks therefrom; and

ii) on receipt of such certificate along with the recommendation by the 2nd respondent, the 1st respondent is directed to consider the same for granting approval for the petitioner's appointment to the post of Pre-Vocational Instructor Tailoring Teacher, with effect from 10.07.2019, within a period of six weeks therefrom on merits and in accordance with law;

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

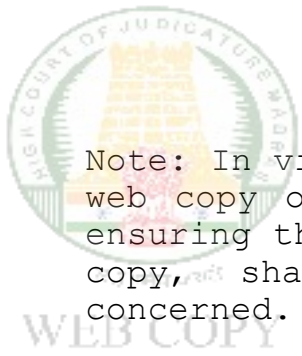
Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Chief Educational Officer,
Ramanathapuram District.
- 2.The District Educational Officer,
Paramakudi,
Ramanathapuram District.

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