



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.18391 of 2021

and

W.M.P.Nos.19599 & 19600 of 2021

(Through Video Conferencing)

P.Joseph Praveen Kumar

...Petitioner

Vs

1.The Commissioner of School Education,  
DPI Campus, College Road,  
Chennai- 600 006.

2.The Chief Educational Officer,  
Vellore District, Vellore.

3.The District Educational Officer,  
Vellore Education District, Vellore.

4.The Correspondent,  
Don Bosco Higher Secondary School,  
Gandhi Nagar, Vellore - 632 006.

...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 relating the impugned Proceedings issued by the second respondent in Mu.Mu.No. 4466/Aa3/2020 dated 29.07.2021 and to quash the same and consequently directing the Respondents to restore the approval of appointment granted by the second respondent in Mu.Mu.No.4466/Aa3/2020 dated 05.05.2021 with granting of approval of appointment of the petitioner in the post of B.T. Assistant (English) in the fourth respondent School with effect from 12.01.2019 with all consequential and other attendant benefits, including the arrears of salary.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.L.S.M.Hasan Fizal  
1 to 3 Government Advocate

ORDER



The petitioner has challenged the impugned order dated 29.07.2021 seeking to cancel the approval of the petitioner. The impugned order has been issued pursuant to G.O.Ms.No 165, School Education (Tho.Ka.2(1)) Department dated 17.09.2019 which was issued pursuant to an interim order dated 09.04.2019 in W.A(MD). Nos.76 of 2019 etc batch.

2. The learned counsel for the petitioner has brought to the knowledge of this Court and has filed a copy of the final order passed by Division Bench of the Madurai Bench of this Court in a batch of writ appeals and writ petitions by order dated 31.03.2021 in W.A(MD).Nos.76 of 2019 etc., in the case of The Secretary to Government, Chennai and others Vs Iruthaya Ammal and another, wherein, the Division bench has held that G.O.Ms.No.165, School Education (Tho.Ka.2(1)) Department dated 17.09.2019 is liable to be declared as inoperable. While quashing the aforesaid Government Order, the Division Bench of this court has also laid down certain guide lines to be followed.

3. Considering the same, this Writ petition is allowed by quashing the impugned order dated 29.07.2021 with liberty to the respondents to initiate appropriate proceedings in terms of the order passed by the Division Bench of the Madurai Bench of this Court in W.A(MD).Nos.76 of 2019 etc batch vide its order dated 31.03.2021.

4. The respondents shall issue appropriate notice to the petitioner within a period of thirty days from the date of receipt of a copy of this order, in the light of the decision of the Division Bench of this Court referred to supra.

5. This Writ Petition stands allowed. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

arb



To

1.The Commissioner of School Education,  
DPI Campus, College Road,  
Chennai- 600 006.

2.The Chief Educational Officer,  
Vellore District, Vellore.

3.The District Educational Officer,  
Vellore Education District, Vellore.

+1CC to Government Pleader, Sr.No.45202

W.P.No.18391 of 2021

RLD (CO)  
K.RK. (17.09.2021)