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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.18625 of 2021

and

W.M.P.No.19864 of 2021

(Through Video Conferencing)

A.Lakshmi Priya

...Petitioner

Vs

1. The District Educational Officer,
Chennai East Education District,
Chennai - 600 005.
2. The Block Educational Officer,
Triplicane Block, Chennai - 600 005.
3. The Correspondent,
The Madras Telugu Baptist Church
Primary School,
52, Veerabadra Achary Street,
Pudupet, Chennai - 600 002.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to pass orders for granting approval of appointment of the petitioner in the sanctioned post of Secondary Grade Teacher in the 3rd respondent school with effect from 02.07.2018 including the arrears of salary, based on the proposal forwarded by the 3rd respondent school dated 17.09.2020.

For Petitioner : Mr.G.Sankaran
For Respondents : Mr.L.S.M.Hasan Fizal
1 and 2 Government Advocate

ORDER

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

2.The 3rd respondent/School has sent a proposal to the 1st respondent for appointing the petitioner as 1 more teacher in the School. The learned Government Advocate submits that there



are only about 8 students i.e., 1 student in Ist Class, 2 students in IIIrd class, 1 student in IVth Class and 4 students in Vth Class. Out of 8 students, 5 male students and 3 female students.

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3.He further submits that there is no justification in appointing the petitioner as a 3rd teacher in the 3rd respondent/School as already there are 2 teachers.

4.By way of re-joinder, the learned counsel for the petitioner submits that there are 2 vacancies which was sanctioned by the respondent and only 1 teacher is there at the moment and therefore there is no bar under the relevant Government Orders for granting approval by the respondents for filing up the other vacancy. Factual aspect cannot be decided in this proceeding. The 1st respondent may however give proper reasoning to the petitioner.

5.The 1st respondent is therefore directed to consider the representation of the 3rd respondent/School and pass appropriate orders on merits and in accordance with the relevant Government Orders and law within a period of 30 days from the date of receipt of a copy of this order.

6.This Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The District Educational Officer,
Chennai East Education District, Chennai - 600 005.

2. The Block Educational Officer,
Triplicane Block, Chennai - 600 005.

+1cc to M/s.G.Sankaran, Advocate, S.R.No.44729
+1cc to the Government Pleader, Sr.45208

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RLD[co]
NSK 15/09/2021