



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2021

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD)No.7648 of 2021

and

W.M.P (MD)Nos.5814, 5816 & 5817 of 2021

WEB COPY

The Correspondent
Senaithalaivar Higher Secondary School
Vickramasingapuram - 627 425,
Tirunelveli District.

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
rep. by its Secretary,
Department of School Education,
Fort St. George,
Chennai - 600 009.
- 2.The Director of School Education,
College Road,
Chennai - 600 006.
- 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 Constitution of India, seeking for a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Government Orders issued by the Third Respondent Chief Educational Officer in Na.Ka.No.3406/A5/2020, dated 27.08.2020 (signed on 28.08.2020) render the 3 teaching posts viz., 1 BT Assistant (English) 1 BT Assistant (Maths), 1 BT Assistant (Science) as surplus and also rendered 1 special teachers viz., only post of Pre-vocational Instructor as surplus and the consequential proceedings in O.Mu.No.4401/A5/2019 dated 13.01.2021 and denying the approval of appointment of the BT Assistant (English) in the Petitioner School, quash the same, and further direct the Third Respondent Chief Educational Officer to approve the appointment of Mrs.M.Anantha Jothi as BT Assistant (English) w.e.f. 03.02.2020 in the Petitioner-School with all attendant benefits including the arrears of salary and allowances.



For Petitioner : Mr.K.Prabhu

For Respondents : Mr.N.Shanmugaselvam
Additional Government Pleader

ORDER

Heard Mr.K.Prabhu, Learned Counsel for the Petitioner and Mr.N.Shanmugaselvam, Learned Additional Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The order No.O.Mu.No.4401/A5/2019, dated 13.01.2021 passed by the Third Respondent which is challenged in this Writ Petition has been passed in furtherance to the order dated 31.08.2020 in W.P.(MD) No.10400 of 2020 passed by this Court requiring the Second and Third Respondents to pass orders on the proposal dated 18.02.2020 which had been re-submitted on 11.03.2020 for approval of the appointment of B.T. Teacher (English) at the schools of the Petitioner.

3. It is accepted by the Learned Counsel for both sides that the impugned order No.O.Mu.No.4401/A5/2019, dated 13.01.2021 has been passed taking into account the interim order dated 09.04.2019 in W.A.(MD)No.76 of 2019 etc. batch passed by this Court as stop gap arrangement till final orders are passed in those cases, and that after the passing of the impugned order, final order dated 31.03.2021 has been passed by the Division Bench of this Court which has been produced. Having regard to the subsequent events, which have a bearing in deciding the controversy involved, the impugned order No.O.Mu.No.4401/A5/2019, dated 13.01.2021 is set aside and the matter is remitted to the Third Respondent to pass fresh orders after affording an opportunity of personal hearing to the petitioner following the directions issued in the order dated 31.03.2021 in W.A.(MD)No.76 of 2019 etc., batch passed by the Division Bench of this Court. Such exercise shall be completed expeditiously and report of the compliance in that regard shall be filed before the Registrar (Judicial) of this Court by 30.06.2021 under written acknowledgement.

4. In the result, the Writ Petition is disposed on the aforesaid terms. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

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 Secretary,
Department of School Education,
Fort St. George,
Chennai - 600 009.
- 2.The Director of School Education,
College Road,
Chennai - 600 006.
- 3.The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.
- 4.The District Educational Officer,
Cheranmahadevi,
Tirunelveli District.
5. The Registrar (Judicial)
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.SPL GP (SR-15702[F] dated 09/04/2021)

+1 CC to M/s.K.PRABHU, Advocate (SR-15656[F] dated 09/04/2021)

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