



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.05.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.[MD]No.9411 of 2021

and

W.M.P.[MD]Nos.7128, 7134 & 7135 of 2021

WEB COPY

V.Jeba Ebenezer

... Petitioner

Vs.

- 1.The Secretary,
The Government of Tamil Nadu,
Department of School Education,
Fort St. George,
Chennai - 600 009.
- 2.The Director of School Education,
DPI Compound, College Road,
Chennai - 6.
- 3.The Chief Educational Officer,
Tenkasi,
Tenkasi District.
- 4.The District Educational Officer,
Tenkasi,
Tenkasi District.
- 5.The Correspondent,
Baren Bruck Higher Secondary School,
Bungalow Surandai,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records passed by the fourth respondent in Serial No.3 in O.Mu.No.1939/A3/2019 dated 27.08.2019 (signed on 30.09.2019) and quash the same and consequently direct the second, third and fourth respondent to approve the appointment of the petitioner as B.T.Assistant (History) teacher in the fifth respondent school from the date of appointment ie., from 05.07.2019 and confer all the consequential benefits.

For Petitioner : Mr.M.S.Suresh Kumar

For Respondents 1 to 4 : Mrs.S.Srimathy

Special Government Pleader



O R D E R

With the consent on either side, this Writ Petition is taken up for final disposal at the admission stage itself.

2. Heard Mr.M.S.Suresh Kumar, learned Counsel appearing for the petitioner and Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents 1 to 4.

3.This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order passed by the fourth respondent dated 27.08.2019. By the impugned order, the approval for the petitioner's appointment as B.T.Assistant (History) was refused mainly by referring to G.O.Ms.No.165 dated 17.09.2019.

4.Learned Counsel appearing for the petitioner submitted that the order is contradictory to the judgment of the Division Bench in a batch of cases in W.A.[MD]No.76 of 2019, etc., dated 31.03.2021.

5.Mrs.S.Srimathy, learned Special Government Pleader appearing for the official respondents submitted that the impugned order may be set aside and remitted to the fourth respondent for passing appropriate orders in the light of the judgment of this Court in W.A.[MD]No.76 of 2019 dated 31.03.2021.

6.Accordingly, the writ petition is allowed and the impugned order passed by the fourth respondent is quashed and the matter is remitted back to the fourth respondent for passing fresh orders on merits in the light of the judgment cited supra. A fresh order may be passed on merits, within a period of eight [8] weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Vacation Officer

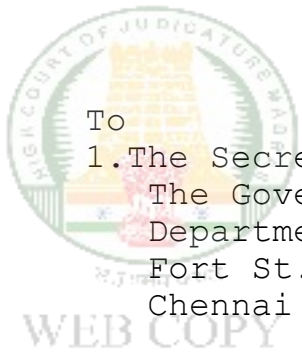
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/ /2021

Sub Assistant Registrar(CS)

MR

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,
The Government of Tamil Nadu,
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Tenkasi District.
- 4.The District Educational Officer,
Tenkasi,
Tenkasi District.

+1 CC to M/s.M.S.SURESH KUMAR, Advocate (SR-18544[F] dated 13/05/2021)

+1 CC to M/s.SPL GP (SR-18558[F] dated 13/05/2021)

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12.05.2021

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