



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2021

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.9827 of 2021

and

W.M.P. (MD) No.7550 of 2021

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M.N.Abdur Rahman Hr. Sec. School,
Rep. by the Correspondent,
M.K.M.Mohamed Nazar,
Kadhir Nagar, Highground,
Maharajar Nagar Post,
Tirunelveli District - 627011.

... Petitioner

vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St.George, Secretariat,
Chennai - 600 009.

2.The Director of School Education,
School Education Department,
DPI Campus, College Road,
Chennai - 06.

3.The Chief Educational Officer,
O/o. Chief Educational Office,
Tirunelveli District.

4.The District Educational Officer,
O/o. District Educational Office,
Tirunelveli District.

... Respondents

PRAYER : Writ petition filed under Article 64436 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Moo.Mu.No.378/A4/2021 dated 05.04.2021 on the file of the 3rd respondent and quash the same as illegal and consequently direct the respondents to allot Teaching Stall Fixation for English Medium Section Parallel to Tamil Medium in light of the permission granted by respondent No.2 in Moo.Mu.No.008289/G1/E2/2019, dated 27.05.2019 based on the G.O.Ms.No.148 (School Education Department) dated 20.07.2018 and to sanction the posts of 3 BT Assistants to the petitioner's school namely M.N.Abdur Rahman Higher Secondary School, Kadhir Nagar Highground, Maharaja Nagar Post, Tirunelveli District based on the students strength in the academic year 2020-2021 in which the posts already surrendered before the respondent No.3 based on the students strength by the petitioner in the academic year 2018-2019 and to



remove the word of surplus teacher in B.T. Assistant-1 in light of the guidelines issued by the Hon'ble Division Bench of this Court in Writ Appeal No.76 of 2019 dated 28.09.2020.

For Petitioner : Mr.Pinaygash.I
For Respondents : Mr.P.Thilakkumar,
Government Advocate.

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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 the learned Counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3.The 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.

4.The learned Government Advocate appearing for the respondents submitted that the impugned order may be set aside and remitted to the third 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.

5.Accordingly, the writ petition is allowed and the impugned order passed by the third respondent is quashed and the matter is remitted back to the third 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 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

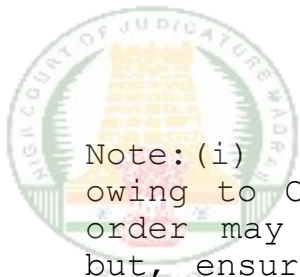
Assistant Registrar (CS-III)

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/ /2021

Sub Assistant Registrar(CS)

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Note:(i) 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, Secretariat,
Chennai - 600 009.
- 2.The Director of School Education,
School Education Department,
DPI Campus, College Road,
Chennai - 06.
- 3.The Chief Educational Officer,
O/o. Chief Educational Office,
Tirunelveli District.
- 4.The District Educational Officer,
O/o. District Educational Office,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-19033[F] dated
08/06/2021)

W.P. (MD) No.9827 of 2021

07.06.2021

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