



WEB COPY

W.P.(MD) No.10129 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.10129 of 2021

and

W.M.P. (MD) No.7853 of 2021

Ponmalar

... Petitioner

-vs-

1.The Secretary to the Government
Department of School Education
St.George Fort, Chennai

2.The Director of School Education
DPI Compound
College Road, Chennai

3.The Chief Educational Officer
Tirunelveli
Tirunelveli District

4.The District Educational Officer
Cheranmahadevi
Tirunelveli District

5.The Correspondent
West Tirunelveli Higher Secondary School
Nallur, Tirunelveli District

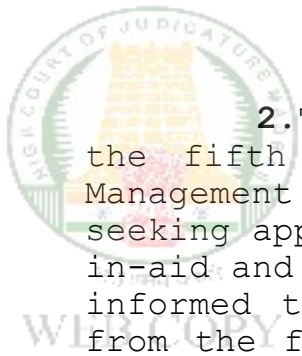
... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the 3rd and 4th respondents to approve the appointment of the petitioner as Tamil Pandit in the fifth respondent school from the date of appointment i.e., from 01.07.2019 and confer all the consequential benefits.

For Petitioner : Mr.Chellapandian.S.
For Respondents : Mr.A.K.Manickam
Government Counsel for R1 to R4
Mr.H.Arumugam for R5

O R D E R

The prayer in this writ petition is for issuance of a writ of mandamus directing the respondents 3 and 4 to approve the appointment of the petitioner as Tamil Pandit in the fifth respondent School from the date of her appointment i.e., from 01.07.2019 and to confer all the consequential benefits to her.



2.The petitioner was appointed as BT Assistant (Tamil) in the fifth respondent School on 01.07.2019. On 08.07.2019, the Management of the School sent a proposal to the fourth respondent seeking approval for the appointment of the petitioner and to grant-in-aid and the same is pending consideration. At this stage, it was informed that there is a proposal to deploy the surplus teachers from the fifth respondent School and to terminate the petitioner's service. Hence, the petitioner has filed this writ petition seeking direction to the respondents to approve her appointment as BT Assistant (Tamil).

3.The learned counsel appearing for the petitioner submitted that due to change in the educational agency, the respondent School is taking steps to terminate the service of the petitioner.

4.The learned Government Counsel appearing for the respondents 1 to 4 would submit that the Honourable Division Bench of this Court, in the Judgment dated 31.03.2021 in W.A.(MD) No.76 of 2019 etc. batch, has issued certain directions to the Educational Authority for re-deploying the surplus teachers to the needy schools and therefore, these aspects have to be considered by the Authority concerned in this case.

5.The learned counsel appearing for the fifth respondent Management submitted that the petitioner is not working in the fifth respondent School and by making misrepresentation, she obtained interim orders in this case and there is no proposal submitted by the Management seeking approval for appointment of the petitioner as stated by her.

6.In view of the above submissions, this Court passes the following orders:

- (i) It is open to the petitioner to make a representation to the Educational Authority within a period of one week from the date of receipt of a copy of this order.
- (ii) If any representation is made by the petitioner as stated above and any proposal dated 08.07.2019 is pending, the Educational Authority shall consider the same and pass appropriate orders after providing due opportunity to the School Management, within a period of eight weeks from the date of receipt of a copy of this order.
- (iii) If no such proposal is pending, the Educational Authority shall communicate the same to the parties concerned forthwith.



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(iv) Till final decision is taken in this matter by the Educational Authority as stated above, *status quo* as on date shall be maintained by both the parties.

(v) No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// 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 to the Government,
Department of School Education,
St.George Fort, Chennai.
- 2.The Director of School Education,
DPI Compound,
College Road, Chennai.
- 3.The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.
- 4.The District Educational Officer,
Cheranmahadevi,
Tirunelveli District.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-28038[F] dated 03/09/2021)

+1 CC to M/s.S.CHELLAPANDIAN, Advocate (SR-28158[F] dated 03/09/2021)

+1 CC to M/s.GP (SR-28058[F] dated 03/09/2021)

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RS (21.09.2021) 3P 8C

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