



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.15754 of 2021

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Amutha Kumari

... 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
Nagercoil, Kanyakumari District

4.The District Educational Officer
District Educational Office
Nagercoil, Kanyakumari District

5.The Correspondent
Scott Christian Higher Secondary School
Nagercoil, Kanyakumari District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the fourth respondent to approve forthwith the petitioner's approval as BT Assistant (Tamil) in the Scott Higher Secondary School, Nagercoil, with effect from 01.02.2020 with all attendant benefits including arrears of salary and allowances, without reference to the proceedings of the fourth respondent in Na.Ka.No.5651/94/2020, dated 19.01.2021.

For Petitioner : Ms.A.Banumathy

For Respondents : Mr.Veera.Kathiravan

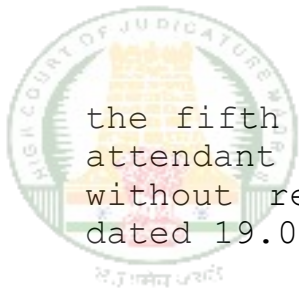
Additional Advocate General
assisted by Mr.S.Shanmugavel

Government Counsel for R1 to R4

O R D E R

The prayer in this writ petition is for issuance of a writ of mandamus directing the fourth respondent to approve the petitioner's appointment as B.T.Assistant (Tamil) in

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the fifth respondent School, with effect from 01.02.2020 with all attendant benefits, including arrears of salary and allowances, without reference to the proceedings of the fourth respondent, dated 19.01.2021.

2. According to the petitioner, she was appointed as B.T.Assistant (Tamil) in the fifth respondent School, on 01.02.2020. The fifth respondent School submitted a proposal, on 16.12.2020, to the fourth respondent seeking approval for appointment of the petitioner as B.T.Assistant (Tamil). Thereafter, the fourth respondent returned the proposal citing certain reasons and after complying with the same, again the fifth respondent School resubmitted the proposal. However, since the said proposal has not been considered in time and kept pending by the fourth respondent, the petitioner has filed this writ petition.

3. The fourth respondent has filed a counter affidavit stating that the fifth respondent School is entitled to appoint only two Tamil Pandits as per the staff fixation made for the year 2019-2020, by the third respondent and since already four Tamil Pandits are working in the School, the appointment of the petitioner as B.T.Assistant (Tamil) in the fifth respondent as on 01.02.2020 is superfluous and therefore, the said post is treated as a surplus post.

4. The learned counsel appearing for the petitioner has denied the objection made by the fourth respondent in his counter affidavit and he seeks liberty to the petitioner to make explanation to the fourth respondent to prove that there is no surplus teacher in the fifth respondent School as well as to the fifth respondent School to make explanation to the fourth respondent stating that the Management has appointed the petitioner as per the norms and there is no surplus teacher in their School.

5. Heard Mr.Veera.Kathiravan, learned Additional Advocate General, assisted by Mr.S.Shanmugavel, learned Government Counsel, appearing for the respondents 1 to 4 on the above submissions.

6. In view of the above submissions of the learned counsel for the petitioners, this Court passes the following orders:

- (i) The petitioner and the fifth respondent shall make explanation before the fourth respondent stating that there is no surplus teacher in their School in the post of B.T.Assistant (Tamil), within a period of 10 weeks from the date of receipt of a copy



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W.P.(MD) No.15754 of 2021

of this order; and

- (ii) On receipt of the same, the fourth respondent shall consider the same on merits and in accordance with law, after providing due opportunity to the petitioner as well as the fifth respondent, within a period of twelve weeks thereafter.

7. With the above observations, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

krk

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,
State of Tamil Nadu,
Fort St.George, Chennai-600 009.
 - 2.The Director of School Education,
College Road, Chennai-600 006.
 - 3.The Chief Educational Officer,
Nagercoil, Kanyakumari District.
 - 4.The District Educational Officer,
District Educational Office,
Nagercoil, Kanyakumari District.
- +1 CC to M/s.SPL.GP (SR-30051[F] dated 23/09/2021)

W.P. (MD) No.15754 of 2021
21.09.2021

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SP(30-09-2021) 3P 6C
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