



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.16569 of 2020

Baliah Marthandam Higher Secondary School,
Avaraikulam - 627 133,
Radhapuram Taluk,
Tirunelveli District,
represented by its Secretary,
M.Ganesan

...Petitioner

Vs.

1.The State of Tamil Nadu,
Through its Secretary,
Department of School Education,
Fort St. George,
Chennai - 9.

2.The Director of School Education,
College Road, Chennai - 6.

3.The Chief Educational Officer,
Tirunelveli - 9.

4.The District Educational Officer,
Valliyoore, Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 3rd respondent to approve the appointment of A.Parthiban as BT Assistant English in petitioner's school namely Baliah Marthandam Higher Secondary School, Avaraikulam - 627 133, Radhapuram Taluk, Tirunelveli District, with salary and all other monetary benefits with effect from 08.10.2020 based upon proposal submitted by the school dated 08.10.2020 and as per order passed in W.P.(MD).No.12372 of 2011 dated 27.03.2014 confirmed in W.A.(MD).No.467 of 2016 dated 24.08.2017.

For Petitioner : Mr.K.K.Kannan

For Respondents : Mr.N.Shanmugaselvam

Additional Government Pleader

ORDER

Heard Mr.K.K.Kannan, learned counsel for the petitioner and Mr.N.Shanmugaselvam, learned Additional Government Pleader, appearing for the respondents.

2.The petitioner is aggrieved, since the third respondent herein has not approved the appointment of Mr.A.Parthiban as



B.T.Assistant (English) in the petitioner's school. Earlier, this Court by an order dated 24.02.2020, had directed the respondents to consider the petitioner's representation dated 17.12.2019, which spelt out the grievance of the petitioner's school.

3.Today when the matter was called, the learned Additional Government Pleader produced a proceedings, dated 05.01.2021, of the Chief Educational Officer, whereby the petitioner's request was rejected on the ground that there were already six surplus English Teachers.

4.Hence, no effective order can be passed in the present writ petition, whereby, the petitioner has sought for approval of their appointment of the English Teacher. If at all the petitioner is aggrieved, it is always open to them to challenge the proceedings of the Chief Educational Officer dated 05.01.2021.

5.With the above liberty, the writ petition stands closed. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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 State of Tamil Nadu,
Through its Secretary, Department of School Education,
Fort St. George, Chennai - 9.

2.The Director of School Education, College Road, Chennai - 6.

3.The Chief Educational Officer, Tirunelveli - 9.

4.The District Educational Officer, Valliyoor, Tirunelveli District.
+1 CC to M/s.K.K.KANNAN, Advocate (SR-2919[F] dated 02/02/2021)
+1 CC to M/s.GP (SR-2895[F] dated 02/02/2021)

W.P. (MD) No.16569 of 2020

29.01.2021

(SJ)CO

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