



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2022

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. No. 3818 of 2022

and

W.M.P. Nos. 3948, 3949 and 3951 of 2022

A.Alisa Mary

...Petitioner

-vs-

1. The Government of Tamil Nadu
Represented by its Principal Secretary
Department of School Education
Fort St. George, Chennai - 600 009.
2. The Director of School Education,
DPI Campus,
College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
Office of the Chief Educational Officer,
Chengalpattu,
Chengalpattu District.
4. The District Educational Officer,
The office of the District Educational Officer,
St. Thomas Mount, Chrompet,
Chennai.
5. The Correspondent,
Christ King Girls Higher Secondary School,
Velachery Main Road, East Tambaram,
Chennai - 600 059.

...Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 03.02.2020 in Na.Ka. No. 0461/A2/2020, on the file of the Fourth Respondent and quash the same, directing the First to Fourth Respondents, to accord approval to the appointment of the Petitioner Sr. A.Alisa Mary as B.T.Assistant (History), in Christ King Girls' Higher Secondary School, East Tambaram, Chennai-600 059, w.e.f. 03.06.2019, with all monetary and service benefits.



For Petitioner : Dr. Father Xavier Arulraj
Senior Counsel
For M/s. Father Xavier Associates

For Respondents: Mr. Stalin Abhimanyu,
Additional Government Pleader (Education)
(for R1 to R4)

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O R D E R

Heard Dr. Father Xavier Arulraj, Learned Senior Counsel appearing for the Petitioner and Mr. Stalin Abhimanyu, Learned Additional Government Pleader (Education) appearing for the First to Fourth Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2.The Fifth Respondent is a private school receiving grant-in-aid from the Government of Tamil Nadu for payment of salaries to its teachers. The Petitioner was appointed as B.T. Assistant (History) against a vacancy in the school of the Fifth Respondent by order dated 03.06.2019 passed by the Fifth Respondent and claims that she has joined duty on 03.06.2019 and has been working as teacher in the said school from then onwards. The Fifth Respondent had forwarded the papers for approval of appointment of the Petitioner to the Third Respondent through the Fourth Respondent. In furtherance thereto, the Fourth Respondent by Order in Na. Ka. No. 0461/A2/2020 dated 03.02.2020 rejected the proposal for approval of appointment by informing the Fifth Respondent to follow the advices given in the interim order passed by this Court in Secretary to Government -vs- Iruthaya Amali (Order dated 09.04.2019 in W.A. (MD) No. 76 of 2019 etc., batch) and G.O. Ms. No. 165, School Education Department dated 17.09.2019 for appointments in schools receiving grant-in-aid from the Government. Aggrieved thereby, the Petitioner has filed this Writ Petition challenging the same.

3.It has been brought to notice that the contentious issues relating to granting of approval for appointment in aided private schools falling under the management of educational institutions establishing more than one school has been extensively delved into by the Division Bench of this Court in Secretary to Government -vs- Iruthaya Amali (Order dated 31.03.2021 in W.A. (MD) No. 76 of 2019 etc., batch) and has disposed those cases remitting the matter for fresh consideration before the concerned authority in terms of the directions issued therein. It is accepted by Learned Counsel for both sides that the instant Writ Petition is also one such matter covered by that authoritative pronouncement of the Division Bench of this Court, which now holds the field.



4. In such circumstances, the Writ Petition is disposed on the following terms:-

- (i) the impugned Order in Na. Ka. No. 0461/A2/2020 dated 03.02.2020 passed by the Fourth Respondent is set aside and the Fifth Respondent shall re-submit the papers by 18.04.2022 satisfying all requirements prescribed for grant of approval of appointment to the relevant post;
- (ii) the concerned authority shall consider the matter afresh in accordance with the directions issued by the Division Bench of this Court in Secretary to Government -vs- Iruthaya Amali (Order dated 31.03.2021 in W.A. (MD) No. 76 of 2019 etc., batch) for approval of appointment of the Petitioner in the school of the Fifth Respondent for grant of aid for payment of her salary, if she is otherwise eligible for it and she had actually worked during the relevant period;
- (iii) if it is found that any details or supporting documents satisfying the eligibility criteria for the benefits claimed had not been produced, the deficiencies in that regard shall be informed in writing to the Petitioner and the Fifth Respondent requiring the same to be furnished within a time frame of not less than 15 clear working days;
- (iv) in the event of the concerned authority not being satisfied with the compliance of the requirements even thereafter, an enquiry shall be immediately conducted affording full opportunity of personal hearing to the Petitioner and the Fifth Respondent to explain their position in that regard and the concerned authority shall pass reasoned orders dealing with each of the contentions raised on merits and in accordance with law and communicate the decision taken under written acknowledgment;
- (v) if the Petitioner is entitled to the approval of appointment, it shall be ensured that the eligible amount of arrears of salary is paid within three months from the date of passing of that order, apart from the monthly salary for future months on the due dates;
- (vi) consequently, the connected Miscellaneous Petitions are closed; and
- (vii) there shall be no order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Maya



To

1. The Principal Secretary
Department of School Education
Fort St. George, Chennai - 600 009.
2. The Director of School Education,
DPI Campus,
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Chennai - 600 059.

+1cc to M/s.Father Xavier Associates, Advocate, S.R.No.13249

+1cc to the Government Pleader, High Court, Madras, S.R.No.13342

W.P. No. 3818 of 2022

JP-II(CO)
RGA(11/04/2022)