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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2022

CORAM

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

W.P. No. 5036 of 2022

E.K.M.Abdul Gani Matharasa Islamia High School,
No. 26, Cauvery Road,
Erode - 638 001
Rep. by its Correspondent,
g.Muhammad Thaj Muhyideen,
S/o. E.K.M.Abdul Gani

...Petitioner

-vs-

1. The Commissioner,
Directorate of School Education,
DPI Campus, College Road,
Chennai - 600 006.
2. The Chief Educational Officer,
Erode District,
Erode.
3. The District Educational Officer,
Erode Educational District,
Erode.

... Respondents

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to approve the appointment of Tmt. A.Kaisar Jehani in the post of Sewing Teacher from the date of appointment on 01.07.2019 based on the revised proposal submitted by the Petitioner school dated 22.07.2020, with all consequential and other attendant benefits, including the arrears of salary, within a time frame.

For Petitioner : Mr. G.Sankaran

For Respondents : Mr. Stalin Abhimanyu,
Additional Government Pleader (Edn)



O R D E R

Heard Mr. G.Sankaran, Learned Counsel for the Petitioner, Mr. Stalin Abhimanyu, Learned Additional Government Pleader (Education), who takes notice for the Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, which is a Minority Aided School receiving grant-in-aid from the Government of Tamil Nadu for payment of salary to its teachers, had appointed one A.Kaisar Jehani in the post of Sewing Teacher on 01.07.2019 and had forwarded a proposal dated 13.03.2020 for approval of her appointment to the Third Respondent, which had been returned by Order in O. Mu. No. 2400/Aa3/2020 dated 20.07.2020 requiring certain documents. The Petitioner claims to have re-submitted the same by communication dated 22.07.2020 along with the required documents, but no action has been taken thereafter. In such circumstances, the Writ Petition has been filed for directing the Respondents to approve the appointment of the said A.Kaisar Jehani in the post of Sewing Teacher with effect from 01.07.2019 based on the papers which had been resubmitted on 22.07.2020 and make payment of all consequential and attendant benefits including the arrears of salary within the time limit that may be fixed by the Court.

3. Having regard to the limited relief sought by the Petitioner, this Court without expressing any view on the correctness or entitlement of the claim disposes the Writ Petition on the following terms:-

- (i) the concerned authority shall examine the proposal made by the Petitioner for the approval of the appointment of the said A.Kaisar Jehani in the school of the Petitioner for grant of aid for payment of her salary, if she is otherwise eligible for it and had actually worked during the relevant period;
- (ii) 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 said A.Kaisar Jehani requiring the same to be furnished within a time frame of not less than 15 clear working days;
- (iii) in the event of the concerned authority not being satisfied with the compliance of the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and the said A.Kaisar Jehani 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 to the concerned parties under written acknowledgment;

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- (iv) if the said A.Kaisar Jehani is entitled to the approval of appointment, it shall be ensured that the eligible amount of arrears of salary is paid within one month from the date of passing of that order, apart from the monthly salary for future months on the due dates; and
- (v) the concerned authority shall file a report of compliance in that regard by 31.05.2022 before the Registrar (Judicial) of this Court; and
- (vi) there shall be no order as to costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

skr
To

1. The Commissioner,
Directorate of School Education,
DPI Campus, College Road,
Chennai - 600 006.
2. The Chief Educational Officer,
Erode District, Erode.
3. The District Educational Officer,
Erode Educational District, Erode.

Copy to
The Registrar (Judicial),
Madras High Court,
Chennai - 600 104.

+1cc to Mr. G.Sankaran, Advocate, S.R.No.15694

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NSK 06/04/2022