



W.P.No.23346 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.23346 of 2022

P.Suba

W/o.P.Sridhar

..Petitioner

Vs.

1. The Secretary to the Government,
School Education Department,
Fort. St.George,
Chennai – 600 009.
2. The Commissioner of School Education,
College Road, Nungambakkam,
Chennai – 600 006.
3. The Director of Elementary Education,
College Road, Nungambakkam,
Chennai – 600 006.
4. The Chief Educational Officer,
Cuddalore, Cuddalore District.
5. The District Educational Officer,
Viruthachalam and Taluk,
Cuddalore District.
6. The Block Educational Officer,
Viruthachalam, Viruthachalam Taluk,
Cuddalore District.



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7. The Manager cum Secretary,
Hindu Government Aided Middle School,
Irugsalakuppam, T.Gopurapuram (PO),
Viruthachalam Taluk,
Cuddalore.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for Writ of Mandamus, directing the 5th respondent to approve the appointment of the petitioner as a secondary grade teacher in the 7th respondent school from the date of the appointment i.e., from 13.07.2022 along with attendant and monetary benefits.

For Petitioner	: Mr.V.Kasinatha Bharath
For Respondents	: Mr.T.Chezhian Additional Government Pleader

ORDER

The prayer sought for herein is for a writ of mandamus to direct the 5th respondent to approve the appointment of the petitioner as a secondary grade teacher in the 7th respondent school from the date of the appointment i.e., from 13.07.2022 along with attendant and monetary benefits.

2. The seventh respondent is the Government Aided Middle School, wherein 105 students upto Vth Standard and 112 students from VI Standard to VIII Standard were studying, wherein, one S.Selvamani, who



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working as Secondary Grade Teacher was retired on superannuation on 31.05.2019.

3. Thereafter, in order to fill up the said post, which is a sanctioned one, the suitable candidates have been selected and the petitioner was appointed on 13.07.2022 as a Secondary Grade Teacher in the vacancy caused in the sanctioned post and the said proposal for approval of the said appointment of the petitioner was sent by the seventh respondent School on 05.08.2022 to the official respondents. However, the same since has not been considered and no approval has been given, the petitioner has approached this Court by filing the present writ petition.

4. Heard Mr.V.Kasinatha Bharathi, learned counsel appearing for the petitioner, who would submit that since the petitioner was appointed in the sanctioned post, where the clear vacancy was caused due to the retirement of the erstwhile incumbent, where the petitioner was selected and appointed and she was having all the qualifications to hold the post of Secondary Grade Teacher and a proposal to that effect was sent on 05.08.2022, there could be no impediment for the official respondents to



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approve such appointment. Hence, a direction can be given to the official respondents by way of mandamus to do the needful within a time frame that may be stipulated by this Court, he contended.

5. On the other hand, Mr.T.Chezhian, learned Additional Government Pleader appearing for the respondents, on instructions, would submit that, no doubt the seventh respondent school is an Aided school, where the sanctioned post of Secondary Grade Teacher had become vacant from 01.06.2019, where if at all the post is to be filled up, if there is any surplus teacher in the block, where the seventh respondent school is located to be verified and if there is no surplus teacher available, then only the fresh entrant can be selected and appointed, in this regard the appointment made by the seventh respondent school appointing the petitioner in the vacancy caused in the school as Secondary Grade Teacher would be considered in the light of the availability of the surplus, if any in the block concerned and based on which, the proposal sent by the seventh respondent school dated 05.08.2022 would be considered and decided and an order to that effect would be communicated to the seventh respondent school within a time frame that may be stipulated by this Court, he



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contended.

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6. Considering the said submission made by the learned counsel appearing for both sides, especially the stand taken by the learned Additional Government Pleader appearing for the official respondents, this Court feels that, a direction can be given to the official respondents to consider the proposal sent by the seventh respondent school dated 05.08.2022 in the light of the aforesaid discussions and pass necessary orders within a period of eight(8) weeks from the date of receipt of a copy of this order.

With this direction, this writ petition is disposed of accordingly. No costs.

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Index : Yes/No

Internet: Yes/No

mp

To

1. The Secretary to the Government,
School Education Department,
Fort. St.George,
Chennai – 600 009.

R.SURESH KUMAR.J,



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mp

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