



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2022

CORAM

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

W.P.NO.24176 OF 2019

P.Gabriel Tamilselvan

...Petitioner

Vs

1.The Director of School Education,
College Road,
Chennai - 600 006.

2.The Chief Educational Officer,
Tiruvallur,
Tiruvallur District.

3.The District Educational Officer,
Tiruvallur
Tiruvallur District.

4.The Correspondent,
TELC Kabis Higher Secondary School,
Pandur,
Thiruvallur Taluk,
Tiruvallur District.

...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 order passed by the Second Respondent in his proceedings Na.Ka. No.3314/A4(A3)/2017 dated 25.07.2019, quash the same and direct the Second and Third Respondents to approve the appointment of the Petitioner as B.T.Assistant (History) with effect from the date of initial appointment and give all the consequential benefits by consider the resubmitted proposal by the Fourth Respondent 15.03.2018 and confer all the consequential benefits.

For Petitioner : Mr.P.Ganesan

For Respondents : Mrs. C.Sangamithirai
Special Government Pleader
(for R1 to R3)
No appearance (for R4)



O R D E R

Heard Mr. P.Ganesan, Learned Counsel for the Petitioner and Mrs. C.Sangamithirai, Learned Special Government Pleader for the First to Third Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Fourth Respondent is a private school receiving grant-in-aid from the Government of Tamil Nadu for payment of salaries to its teachers. The Petitioner claims to have been appointed as Junior Grade B.T. Assistant (History) on 16.03.2005 in the school of the Fourth Respondent and despite several proposals sent by the Fourth Respondent for its approval, the same had not been granted. The Petitioner had then filed the Writ Petition in W.P.No.14545 of 2018 before this Court in which an order dated 03.04.2019 was passed directing the Second Respondent to pass orders on the revised proposals submitted by the Fourth Respondent as expeditiously as possible. In furtherance to that order, the Second Respondent by Order in Na. Ka. No. 3314/ A4(A3)/2017 dated 25.07.2019 had rejected the proposal sent by the Fourth Respondent stating that the appointment of the Petitioner had not been made against a sanctioned vacancy in accordance with the staff strength fixed for that school. 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. Having regard to the aforesaid submissions made, the following orders are passed:-

- (i) the impugned Order in Na. Ka. No. 3314/Aa5(A3)/2017 dated 25.07.2019 passed by the Second Respondent is set aside and the matter is remitted for consideration of 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);



3.The District Educational Officer,
Tiruvallur
Tiruvallur District.

4.The Correspondent,
TELC Kabis Higher Secondary School,
Pandur,
Thiruvallur Taluk,
Tiruvallur District.

Copy to

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

+1cc to Mr.P.Ganesan, Advocate Sr.No.26499

+1cc to the Government Pleader Sr.No.26741

W.P.No.24176 of 2019

JPL(CO)
RVM(13/06/2022)