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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2022

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

W.P. No. 25163 of 2019

and

W.M.P. Nos. 24732 and 24733 of 2019

S.Revathi

...Petitioner

-vs-

1. The Secretary to the Government,
School Education Department,
Fort St.George,
Chennai-9.
2. The Director of School Education,
College Road,
Nungambakkam,
Chennai-6.
3. The District Educational Officer,
Nagappattinam,
Nagappattinam District.
4. The Block Educational Officer,
Vedaranyam,
Vedaranyam Taluk,
Nagappattinam District.
5. The Secretary,
Natesa Aided Elementary School,
Vadaku Kutthagai,
Ayakkaranpulam-I,
Vedaranyam Taluk,
Nagappattinam District.

...Respondents

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus to call for the records in relates to the rejection order passed by the Third Respondent in Na.Ka.No.3523/A4/2019 dated 04.07.2019 and subsequent order passed by the Fourth Respondent in Na.Ka.No.612/014/2019 dated 08.07.2019 and quash the same and consequently direct the Respondents to approve the appointment of the Petitioner from 19.02.2019 along with all attendant and monetary benefits.



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For Petitioner : Mr.S.Conseious Ilango
For M/s.V.Kasinatha Bharathi

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

Mr. C.Prabhakaran (For R5)

O R D E R

Heard Mr.S.Conseious Ilango, Learned Counsel for the Petitioner, Mr. Stalin Abhimanyu, Learned Additional Government Pleader for the First to Fourth Respondents and Mr. C.Prabhakaran, Learned Counsel for the Fifth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2.The Fifth Respondent appointed the Petitioner as Secondary Grade Teacher in its school by order dated 19.02.2019 and the same was sent for approval to the Third Respondent which was rejected by order dated 08.07.2019 by Fourth Respondent raising certain queries. However, the Fifth Respondent had not re-submitted the papers with the clarifications as sought by the Educational Authorities and instead, the Petitioner has filed this Writ Petition challenging the said order. There does not appear to be any justification to interfere with the impugned order as the queries have to be answered by the Fifth Respondent.

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

- (i) the Fifth Respondent shall re-submit the proposal answering the queries raised to the Fourth Respondent by 18.04.2022 satisfying all requirements prescribed for grant of approval for appointment to the relevant post;
- (ii) the concerned authority shall immediately examine the claim made for approval of the 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 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



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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 conducted affording full opportunity of personal hearing to the Petitioner and the Fourth 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 to the concerned parties 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

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To

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5. The Secretary,
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Ayakkaranpulam-I,
Vedaranyam Taluk,
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+1cc to M/s.V.Kainatha Bharathi, Advocate, S.R.No.14711

+1cc to the Government Pleader, S.R.No.15476

W.P.No. 25163 of 2019

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