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W.P.No.28297 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.28297 of 2022

K.Fameeda Tabassum

... Petitioner

Versus

1. The Director of School Education,
College Road,
Chennai-6.
2. The Chief Educational Officer,
Thirupattur, Thirupattur District.
3. The District Educational Officer,
Vaniyambadi, Thirupattur District.
4. The Secretary & Correspondent,
Islamiah Girls Higher Secondary School,
Vaniyambadi, Thirupattur District

.... Respondents

Prayer:-Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus, directing the 2nd respondent to approve the appointment of the petitioner as B.T.Assistant (Social Science), in the fourth respondent school with effect from 10.06.2019, with all consequential benefits, on the basis of the proposal dated 02.11.2020, submitted by the 4th respondent school, in the light of the order passed in W.A.(MD).No.1292 of 2017 and 461



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of 2014 dated 29.11.2017, confirming the order passed in W.P.(MD)No.7456 of 2016 dated 27.02.2017.

For Petitioner : Mr.S.N.Ravichandran
For Respondents : Mr.S.Yashwanth
Spl.Govt.Pleader
For R.1 to R.3

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the 2nd respondent to approve the appointment of the petitioner as B.T.Assistant (Social Science), in the fourth respondent school with effect from 10.06.2019 based on the proposal sent by the fourth respondent school dated 02.11.2020 within a time frame to be fixed by this Court.

2. The petitioner claims that she has been appointed by the fourth respondent school as B.T.Assistant (Social Science). The fourth respondent is an aided minority Institution. The fourth respondent has also sent a proposal to the second respondent, seeking for approval of the petitioner for appointment to the post of B.T.Assistant (Social Science). Since the proposal has not been considered till date, the petitioner has filed this writ petition.



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3. Heard Mr.S.N.Ravichandran, learned counsel for the petitioner and Mr.S.Yashwanth, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 3. By consent of both the parties, the main writ petition has been taken up for final disposal.

4. The petitioner also relies upon a judgment of the Division Bench of this Court dated 29.11.2017 in W.A.(MD).No.1292 of 2017 and 461 of 2014 dated 29.11.2017, which has confirmed the order passed by the learned Single Judge dated 27.02.2017 passed in W.P.(MD)No.7456 of 2016, to substantiate her case for appointment to the post of B.T.Assistant (Social Science) in the fourth respondent school with effect from 10.06.2019. It is for the respondents to consider the same while considering the fourth respondent's proposal dated 02.11.2020 seeking for approval for appointment of the petitioner to the post of B.T.Assistant (Social Science) in the fourth respondent school with effect from 10.06.2019. The petitioner also claims that B.T.Assistant (Social Science) post is a sanctioned post.

5. No prejudice would be caused to the respondents if the fourth respondent's proposal dated 02.11.2020 referred to supra is considered on merits and in accordance with law within a time frame to be fixed by this Court



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after giving due consideration to the aforementioned orders of this Court.

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6. For the foregoing reasons, this Court directs the second respondent to pass final orders on merits and in accordance with law on the fourth respondent's proposal dated 02.11.2020, seeking approval for appointment of the petitioner to the post of B.T.Assistant (Social Science) with effect from 10.06.2019 within a period of twelve weeks from the date of receipt of a copy of this order after giving due consideration to the aforementioned decisions relied upon by the petitioner.

With the aforesaid direction, the writ petition is disposed of. No costs.

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Index: Yes/No

Speaking Order/Non-Speaking Order



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ABDUL QUDDHOSE,J.

Sr

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