



W.P.(MD)No.1885 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.(MD)No.1885 of 2020
and
W.M.P.(MD)No.1586 of 2020**

The Secretary,
Kayalpatanam - Arumuganeri Higher Secondary School,
Arumuganeri,
Thoothukuti District - 628 202.

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St.George, Chennai - 600 009.
2. The Director of School Education,
College Road,
Chennai - 600 009.
3. The Chief Educational Officer,
Thoothukudi District,
Thoothukudi.
4. The District Educational Officer,
Thiruchendur,
Thoothukudi District.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records of the impugned proceedings passed by the third respondent / Chief Educational Officer in O.Mu.No.8954/Aa3/2019, dated .12.2019 denying permission to fill up seven teaching posts in the petitioner School, quash the same and further direct the third respondent / Chief Educational Officer to give permission for filling up seven teaching posts in the petitioner School as detailed in the tabulation annexed.

For Petitioner : Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers

For Respondents : Mr.S.Shaji Bino
Spl. Govt. Pleader for R1 to R4

ORDER

This Writ Petition has been filed to call for the records of the impugned proceedings passed by the third respondent / Chief Educational Officer in O.Mu.No.8954/Aa3/2019, dated .12.2019 denying permission to fill up seven teaching posts in the petitioner School, quash the same and direct the third respondent / Chief Educational Officer to give permission for filling up seven teaching posts in the petitioner School as detailed in the tabulation annexed.



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2. The learned counsel appearing for the petitioner submitted that the petitioner is the Secretary of the Kayalpatanam - Arumuganeri Higher Secondary School. The School Committee has decided to fill up the seven vacant posts, i.e., P.G.Assistant (Commerce), B.T.Assistant (Science), B.T.Assistant (English), B.T.Assistant (English), Physical Education Teacher, Physical Education Teacher and Pre-Vocational Instructor (Sewing). Therefore, as per the Rule 15(4) of the Tamil Nadu Recognized Private School Regulation Rules, 1974, for filling up the posts through direct recruitment, prior approval is mandatory. The petitioner had applied for prior approval by way of submitting proposals enclosing all the essential documents. However, the said approvals were rejected by way of issuing the impugned order, dated 12.2019, relying upon the interim order passed by this Court in W.A.(MD)Nos.76 of 2019 etc., batch stating that the Government shall not approve any appointment made by the private aided school, till the surplus teacher in the school coming under the same management are exhausted and there shall not be any fresh appointment from 09.04.2019 in private aided Schools coming under the same management are exhausted. However, subsequently the Writ Appeals were



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disposed of in the year 2021 by this Court. Hence, now there is no legal impediment for the respondents for considering the proposal of the petitioner's School.

3. The learned counsel for the petitioner further submitted that in view of the above, this Court may grant liberty to the petitioner to send a fresh proposal for filling up the said posts and if such proposal is forwarded, the respondents may be directed to pass appropriate orders.

4. Considering the limited request made by the learned counsel for the petitioner, admittedly the present impugned order is passed based on the interim order granted by this Court in W.A.(MD)Nos.76 of 2019 etc., batch, it appears that subsequently the Writ Appeal itself is disposed in the year 2021 and hence, there is no legal impediment.

5. In view of the above, this Court grants liberty to the petitioner to forward the proposal afresh within a period of three weeks from the date of receipt of copy of this order. If any such proposal is forwarded by the



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petitioner, the official respondent is directed to consider the same and pass appropriate orders within a period of four weeks thereafter.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

21.12.2022

Index : Yes / No

Speaking Order : Yes / No

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