



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.A(MD)No. 328 of 2022

and C.M.P.(MD) No. 3264 of 2022

WEB COPY

- 1.The Director of School Education,
O/o. The Directorate of School Education,
DPI Compound, College Road,
Chennai - 6.
- 2.The Chief Educational Officer,
O/o. The Chief Educational Officer,
Madurai, Madurai District.
- 3.The District Educational Officer,
O/o. The District Educational Officer,
Melur, Madurai District. .. Appellants/Respondents

Vs

Jothi Higher Secondary School,
Narimedu, Madurai,
Represented by its
Correspondent R.Arun. .. Respondent/Writ Petitioner

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 21.09.2021 made in W.P.(MD) No. 18629 of 2020.

Prayer in WP(MD). 18629 OF 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the 3rd respondent in his proceedings in Na.Ka.No. 3523/Aa4/2020 dated 24.10.2020 and quash the same as illegal and consequentially to direct the 3rd respondent to approve the appointment of S.Vallinayaki as B.T.Assistant (Science) w.e.f., 02.03.2020 with all other attended monetary benefits within the period that may be stipulated by this Honourable Court and pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

For Appellants : Mr.S.P.Maharajan,
Special Government Pleader

For Respondent : Mr.M.Ajmalkhan,
Senior Counsel
for M/s.Ajmal Associates



JUDGMENT

[Delivered by R.VIJAYAKUMAR, J.]

The respondent in the writ appeal filed W.P(MD) No.18629 of 2020 challenging an order passed by the District Educational Officer, returning the request for approval of appointment of a B.T.Assistant (Science) Teacher.

2. Learned Single Judge after hearing both the parties has remitted the matter back to the authorities with the direction that the same shall be considered after getting explanation from the writ petitioner School. The said order of remand is under challenge in the present writ appeal by the State.

3. The respondent School is a minority aided institution which has appointed one S.Vallinayaki as B.T.Assistant (Science) in a sanctioned post with effect from 02.03.2020. The said order of appointment was placed before the authorities for approval. The authorities have returned the said approval application on the ground that unless the deployment of surplus teacher is decided, the said approval application cannot be considered.

4. The order was challenged before learned Single Judge. Learned Single Judge has directed the educational authority to reconsider the same after receiving explanation from the authorities. The State has challenged the said order on the ground that unless the deployment of surplus teachers is decided, the question of approval of B.T.Assistant (Science) Teacher does not arise at all. Admittedly, the petitioner School is a stand alone School and there is no B.T.Assistant (Science) Teacher working in the said School. The B.T. Assistant (Science) Teacher has been appointed in a sanctioned post and hence the order of remand passed by learned Single Judge does not warrant any interference in the writ appeal.

5. Learned Senior Counsel appearing for the caveator, brought to the notice of this Court, the judgment of a Division Bench of this Court in the case of *the State of Tamil Nadu, Department of School Education, Chennai vs. The Correspondent, St.John Vianney's Girls Higher Secondary School, Kanyakumari District*, in W.A(MD) No.125 of 2022 dated 28.03.2022. The appellant authorities are directed to reconsider the request for approval of the appointment of BT Assistant (Science) Teacher in the light of the order passed in W.A(MD) No.125 of 2022 dated 28.03.2022.



6. With the above direction, this writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition would not survive.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

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DPI Compound, College Road,
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O/o. The Chief Educational Officer,
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3.The District Educational Officer,
O/o. The District Educational Officer,
Melur, Madurai District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-18172[F]
dated 12/04/2022)

+1 CC to M/s.SPL.GP (SR-17978[F] dated 11/04/2022)

W.A (MD) No.328 of 2022

11.04.2022

SG (CO)

GC (21.04.2022) 3P 6C