



W.P(MD)No.4649 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4649 of 2020

and

W.M.P.(MD)Nos.4017 and 4019 of 2020

L.Priyadharshini

... Petitioner

Vs.

1.The District Educational Officer,
O/o. District Educational Officer,
Sivagangai Poonga Complex,
Thanjavur.

2.The Block Educational Officer,
O/o. the Block Educational Officer,
Thiruvayaru,
Thanjavur District – 613 204.

3.Mahaganapathy Government Aided Elementary School,
Rep. by its Secretary,
Nadukkaveri Post,
Thiruvayaru Taluk,
Thanjavur District – 613 204.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus, to call for the
records relating to the impugned order passed by the 2nd respondent vide his



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proceedings O.Mu.No.1356/A2/2019 dated 11.10.2019 and quash the same as illegal and consequentially to direct the 2nd respondent to approve the appointment of the petitioner with effect from 02.08.2017 and pay the arrears of salary.

For Petitioner : Mr.H.Mohammed Imran,
For M/s.Ajaml Associates.

For Respondents : Mr.N.Sathees Kumar,
Addl. Government Pleader for R1 & R2.

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents 1 and 2.

2.A vacancy arose in the post of Secondary Grade Teacher in the third respondent school. It is an aided non-minority institution. The school management wrote to the first respondent herein seeking permission for filling up the said vacancy. The first respondent vide proceedings dated 24.04.2017 permitted the school management to fill up the vacancy in the post of Secondary Grade Teacher which arose on account of the promotion of the incumbent by name Vaithiyanathan. After following the usual procedures, the school management selected the writ petitioner and appointed her with effect



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from 02.08.2017. Proposal was submitted to the Block Educational Officer for approval. Proposal was returned by the impugned proceedings dated 11.10.2019. Challenging the same, the present writ petition has been filed.

3.The respondents have filed counter affidavit and the learned Additional Government Pleader took me through its contents and pressed for dismissal of the writ petition.

4.I carefully considered the rival contentions and went through the materials on record. The school management appointed the writ petitioner after getting permission from the competent authority. Now the question that arises for consideration is whether the competent authority can now do an 'U' turn and say no to the proposal seeking approval of appointment. The issue on hand is no longer *res integra*. Vide order dated 20.09.2022 in W.P.(MD)No.8163 of 2020, I had held that when the school management appointed the candidate in terms of and pursuant to the permission granted by the competent authority, approval cannot be denied.

5.In this view of the matter, the impugned proceeding is quashed. The school management shall re-present the proposal for approval of the writ



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petitioner's appointment and the respondents 1 and 2 are directed to approve the same and also release the grant-in-aid towards the petitioner's salary and other allowances payable since her date of appointment. Such an order will be passed and the disbursement will also be made within a period of twelve weeks from the date of receipt of a copy of this order.

6.The writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

03.11.2022

Index : Yes / No
Internet : Yes/ No
ias

To:

- 1.The District Educational Officer,
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Sivagangai Poonga Complex,
Thanjavur.
- 2.The Block Educational Officer,
O/o. the Block Educational Officer,
Thiruvayaru,
Thanjavur District – 613 204.



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G.R.SWAMINATHAN, J.

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