



W.P.(MD)No.7733 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.7733 of 2020

and

W.M.P.(MD)No.7219 of 2020

The Secretary,
Guruvappa Higher Secondary School,
Neikkarapaatti, S.K.C.Nagar,
Palani – 624 615,
Dindigul District.

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. 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,
Dindigul, Dindigul District.

4.The District Educational Officer,
Palani, Dindigul 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 relating to the impugned proceedings issued by the third respondent Chief Educational Officer in Na. Ka. No.965/E1/2019, dated 12.03.2020 denying permission to fill up the post of BT Assistant (Science) in the petitioner school, quash the same and further direct the third respondent Chief Educational Officer to give permission to the petitioner for filling up the sanctioned vacant post of BT Assistant (Science) within a reasonable time as may be specified by this Honourable Court.

For Petitioner	:Mr. K.Ragatheesh Kumar for M/s.Isaac Chambers
For Respondents	:Mr.S.Shaji Bino, Special Government Pleader

ORDER

This writ petition has been filed to quash the Impugned impugned proceedings issued by the third respondent Chief Educational Officer in Na.Ka.No.965/E1/2019, dated 12.03.2020 denying permission to fill up the post of BT Assistant (Science) in the petitioner school, quash the same and



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further, direct the third respondent Chief Educational Officer to give permission to the petitioner for filling up the sanctioned vacant post of BT Assistant (Science) within a reasonable time.

2. The learned counsel appearing for the petitioner submitted that the petitioner is the School Secretary of Guruvappa Higher Secondary School at Neikkarapatti and in the said School, one post of BT Assistant (Science) fell vacant on 01.06.2019 due to the retirement of one K.Duraisamy on 31.05.2019. As per the Rule 15(4) of the Tamil Nadu Recognized Private School Regulation Rules, 1974, for filling up the post through direct recruitment, prior approval by the third respondent is mandatory. The petitioner had applied for prior approval by way of submitting a proposal, dated 04.06.2019. However, the said proposal was returned on 07.08.2019 for want of documents. Subsequently, the petitioner re-submitted the proposal on 06.09.2019 enclosing all the essential documents. Subsequently, the approval was rejected by way of issuing the impugned order, dated 12.03.2020, relying upon the interim order passed by this Court in W.A.(MD)No.76 of 2019 and batch stating



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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 and however, finally the writ appeal was disposed of in the year 2021 and hence, there is no legal impediment for the School for considering the petitioner's proposal.

3. The learned counsel for the petitioner further submit that in view of the above, this Court may grant liberty to the petitioner to send a fresh proposal for filling up the said post 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)No.76 of 2019 etc. batch, it appears that subsequently, the writ appeal itself was disposed in the year 2021 and hence, there is no legal impediment.



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

16.12.2022

Index : Yes / No

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M.DHANDAPANI,J.

PM

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