



W.P.(MD)No.8281 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.8281 of 2020
and W.M.P(MD)Nos.7680 and 7683 of 2020
and W.M.P(MD)NO.15289 of 2021

The Secretary,
MSP Solai Nadar Memorial Higher Secondary School,
No.54/8, G.T.N.Salai,
Dindigul District – 624 005 ... Petitioner

Vs.

1.The Director of School Education,
College Road,
Chennai – 600 006.

2. The Chief Educational Officer,
Dindigul, Dindigul District.

3. The District Educational officer,
Dindigul, Dindigul District. ... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the second respondent Chief Educational Officer in Mu.Mu.No.965/E1/2019 dated 19.03.2020 denying approval to the appointment of T.Marikannu as BT Assistant



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(Science) quash the same, and further direct the second respondent CEO to approve forthwith to the appointment of Thiru.T.Marikannu as BT Assistant (Science) in the petitioner-school w.e.f 01.06.2018, with all attendant benefits including arrears of salary and allowances.

For Petitioner : Mr.K.Ragatheesh Kumar

For Respondents : Mr.A.Thiyagarajan

Government Advocate

ORDER

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus to quash the impugned order passed by the second respondent Chief Educational Officer in Mu.Mu.No.965/E1/2019 dated 19.03.2020 denying approval to the appointment of T.Marikannu as BT Assistant (Science) and for consequential direction to the second respondent CEO to approve forthwith to the appointment of Thiru.T.Marikannu as BT Assistant (Science) in the petitioner-school w.e.f 01.06.2018, with all attendant benefits including arrears of salary and allowances.

2. The learned counsel appearing for the petitioner submitted that



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the petitioner is the School Secretary and in his School one N.Arul Raj got retired on 31.05.2016. After the retirement, petitioner's School has promoted one Vijaya Murugan, BT Assistant (Science) as PG Assistant (Chemistry). The DEO vide proceedings in dated 28.10.2016 approved the promotion of the said Vijaya Murugan (Chemistry). The School Committee has decided to fill up the resultant vacant post of BT Assistant (Science) through direct recruitment, as there is no suitable candidate fit for promotion in the School. Therefore, 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 18.04.2018 enclosing all the essential documents. However, the said approval was rejected by way of issuing the impugned order, dated 19.03.2020, relying upon the interim order passed by this Court in W.A.(MD)No.76 of 2019 and 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



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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 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



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of receipt of copy of this order. If any such proposal is forwarded by the 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 petitions are closed.

19.12.2022

Index : Yes/No
Internet : Yes/No
CM

To,
1.The Director of School Education,
College Road,
Chennai – 600 006.

2. The Chief Educational Officer,
Dindigul, Dindigul District.

3. The District Educational officer,
Dindigul, Dindigul District.



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