



W.P(MD)No.11211 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11211 of 2022

and

W.M.P(MD)No.8006 of 2022

M.Pon Usha Rani

: Petitioner

Vs

**1. The Chief Education Officer,,
Nagercoil,
Kanyakumari District**

**2. The District Educational Officer,
Thuckalay,
Kannyakumari District**

**3. The Correspondent,
V.K.P. Higher Secondary School
Colachel, Kannyakumari District**

: Respondents

PRAYER: Writ Petition 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 proceedings issued by the first respondent/Chief Educational Officer in Na.Ka.No.6702/A1/2020 dated 16.12.2021, quash the same, and further direct the first respondent/Chief Educational Officer herein to approve forthwith the appointment of



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the petitioner as Sewing teacher in the third respondent school, namely, V.K.P. Higher Secondary School, Colachel from the date of her appointment i.e., 01.08.2017 and disburse the grant-in-aid towards her salary and allowance w.e.f. the said date,

For Petitioner : Mrs.Amala.A,
For R1 and R2 : Mr.Shaji Bino,
Special Government Pleader

ORDER

Heard the learned Counsel appearing on either side.

2.The writ petitioner was appointed as Sewing Teacher in the third respondent school on 01.08.2017. There is no dispute that the writ petitioner was appointed only against a sanctioned vacancy. The writ petitioner was also qualified to be appointed as such. However, by the impugned order dated 16.12.2021, the first respondent had declined to grant approval primarily for the reason that the strength of the girl students fell from 364 to 153. Reliance was placed on G.O.Ms.No.132 School Education Department, dated 22.04.1998, which fixes the minimum number of female students at 250 for sanctioning a post.



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3.The rejection order is put to challenge in this petition.

4.Though the learned Special Government Pleader appearing for the official respondents wanted to sustain the impugned order on the strength of the aforesaid GO, as rightly pointed out by the learned Counsel appearing for the petitioner, the issue is no longer res integra in view of the decision of the Hon'ble Division Bench vide order ***dated 31.01.2019*** in the case of ***W.A.No.108 of 2019 The State of Tamil Nadu represented by its Secretary Vs. Y.Thangababy and another***, wherein this Court had held that subsequent reduction in the number of students is not a ground to refuse appointment against a sanctioned post.

5.Admittedly, the writ petitioner was appointed w.e.f., 01.08.2017. On the said date, the number of female students studying in classes VI to VIII was above 250. It is true that the said number has now fallen to 153. In view of the aforesaid decision of the Hon'ble Division Bench, I direct the respondents 1 and 2 to approve the appointment of the writ petitioner in the third respondent school w.e.f., 01.08.2017 and disburse the grant-in-aid towards her salary and other allowances with arrears forthwith. It is always open to the authorities to assess the current student strength and if the petitioner is found to be surplus, redeploy her



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to some other school.

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6. With the above direction, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
lr

To

1. The Chief Education Officer,,
Nagercoil,
Kanyakumari District

2. The District Educational Officer,
Thuckalay,
Kanniyakumari District



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G.R.SWAMINATHAN, J.

lr

ORDER MADE IN

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