



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.10005 of 2019 and
W.M.P.(MD).Nos.7798 & 7799 of 2019

T.Wills

... Petitioner

Vs.

1.The Secretary to Government,
School Education Department,
St.George Fort,
Chennai.

2.The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.

3.The Chief Educational Officer,
Kanyakumari District,
Nagercoil.

4.The District Educational Officer,
Kuzhithurai,
Kanyakumari District.

5.The Correspondent,
Higher Secondary School Kalluppalam,
Edaicode,
Kanyakumari District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records on the file of the fourth respondent pertaining to its order bearing Oo.Mu.No.964/Aa2/2017 dated 11.05.2018 and to quash the same and consequently directing the respondents to approve the appointment of the petitioner as B.T.Assistant in Science in the fifth respondent school from the date of appointment that is from 04.10.2012 and consequently, direct the respondents to disburse monetary and other attendant service benefits, including payment of arrears of salary from the date of appointment that is 04.10.2012 with interest within a time frame that may be fixed by this Court by considering the proposal resubmitted by the petitioner dated 08.03.2018.



For Petitioner : Mr.S.C.Herold Singh
For Respondent : Mr.G.V.Vairam Santhosh
Additional Government Pleader
for RR1 to 4

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O R D E R

The order impugned dated 11.05.2018 pertaining to the approval of appointment of the writ petitioner was rejected on the ground that W.A.No.654 of 2018 was pending during the relevant point of time.

2. The learned counsel appearing for the petitioner states that the Writ Appeal was dismissed by the Hon'ble Division Bench of this Court.

3. However, the Authorities are bound to consider the eligibility, educational qualifications and other requirements as per the provisions of the Act and Rules, for the purpose of grant of approval. Contrarily, the Court cannot verify the eligibility, educational qualification for grant of approval of appointment. Approval of appointments is to be granted strictly in accordance with the Rules in-force. Even in respect of the orders passed by the Courts, the Authorities are bound to verify the eligibility, educational qualifications and other requirements contemplated under the Act and Rules. The High Court cannot adjudicate the merits regarding the appointments made with reference to the qualifications and other criteria. Thus, it is made clear that in the event of no impediment, the case of the petitioner is to be considered in accordance with the Rules in-force.

4. With these directions, the Writ Petition stands disposed of. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

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+1 CC to M/s.SPL GP (SR-6784[F] dated 17/02/2022)

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-6689[F] dated
17/02/2022)

W.P. (MD) No.10005 of 2019

16.02.2022

NSN (CO)

KB (25.02.2022) 3P 8C