

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11450 of 2022

Mangapuram Hindu Higher Secondary School,
Srivilliputhur,
Virudhunagar District,
Through its Secretary.

... Petitioner

Vs.

1.The Chief Educational Officer,
Virudhunagar.

2.The District Educational Officer,
Srivilliputhur - 626 125,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, call for the entire records in relation to impugned order passed by the 1st respondent in Pa.Mu.No.5193/Aa2/2021 dated 01.12.2021 and Quash the same and directing the respondents to grant prior permission to fill up the vacant post of PG Teacher Commerce in the petitioner school namely Mangapuram Hindu Higher Secondary School, Srivilliputhur - 626 125 as per the proposal submitted by the petitioner school dated 27.02.2021.

For Petitioner : Mr.K.K.Kannan

For Respondents : Mr.S.Shani Bino,
Spl. Government Pleader.

ORDER

Heard the learned counsel on either side.

2.The writ petitioner is a recognized Private Aided Higher Secondary School. Vacancy arose in the post of P.G. Teacher (Commerce). The petitioner applied to the first respondent seeking permission to fill up the said vacancy. By the impugned order, the petitioner's application was returned. Questioning the same, this writ petition has been filed.

3.I went through the contents of the impugned order. I am not able to appreciate the stand taken by the first respondent. If there is a sanctioned post and if there is requisite student strength, then obviously the said vacancy must be filled up. Of course, there is merit in the contention of the learned Special Government Pleader that such a vacancy should first be allowed to be filled up by redeploying surplus teacher from elsewhere. But then, the petitioner's counsel would point out that for the last three years and above, the vacancy in question is remaining unfilled. This would obviously affect the interest of the

students. Therefore, the respondents are directed to fill up the vacancy in question by redeploying surplus teachers from elsewhere. If within a period of three months, such redeployment is not possible, then it is open to the writ petitioner to appoint an eligible and qualified teacher in the said vacancy. The impugned order is set aside and the writ petition is disposed of on these terms.

No costs.

18.10.2022

Index : Yes / No

Internet : Yes/ No

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Issue order copy on 20.10.2022.

To:-

- 1.The Chief Educational Officer,
Virudhunagar.
- 2.The District Educational Officer,
Srivilliputhur - 626 125,
Virudhunagar District.

G.R.SWAMINATHAN, J.

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