



WP(MD)No.18714 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.08.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.18714 of 2021
and W.M.P(MD).Nos.15456, 15457 and 15458 of 2021

M.Geraldin Malar

... Petitioner

/vs./

- 1.The Director of School Education,
College Road, Chennai-600 006.
- 2.The Chief Educational Officer,
Nagercoil, Kanyakumari District, 629 001.
- 3.The District Educational Officer,
Nagercoil, Kanyakumari District. 629 001.
- 4.The Correspondent,
Little Flower Girls Higher Secondary School,
Ramanputhur, Nagercoil,
Kanyakumari District-629 004.

5.M.Annie

... Respondents

(R5 is impleaded Vide Court order of this Court in W.M.P(MD).No.13010 of 2022 in W.P(MD).No.18714 of 2021)



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WEB

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned relieving order dated 30.09.2021 (petitioner received only on 06.10.2021) issued by the fourth respondent Little Flower Girls Higher Secondary School, Ramanputhur, Nagercoil, Kanyakumari District, quash the same and further direct the respondents to approve the appointment of petitioner as PG Assistant in English in the fourth respondent school w.e.f., 08.06.2020 and disburse grant-in-aid towards her salary and other monetary benefits.

For Petitioner : Mr.S.Xavier Rajini
For Respondents : Mr.V.Nirmal Kumar (For R1 to R3)
Government Advocate
Mr.G.Anto Prince (for R4)
for M/s.Peace Law Foundations

ORDER

The petitioner herein was appointed on 08.06.2020 to the post of PG Assistant (English) in the fourth respondent School, which is the Minority Aided Education Institution, in a sanctioned vacancy. The proposal, sent by the fourth respondent School seeking for approval of the petitioner's appointment, has been rejected, through the impugned order, dated 30.09.2021, by stating that the petitioner's educational qualification was not in the format of B.A., B.Ed., M.A., or B.A., M.A., B.Ed., but rather she was qualified in the format of M.A., B.Ed.,



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B.A.,. The reason for rejection of the fourth respondent's proposal seeking for approval of the petitioner's appointment seems to be on misconception of facts.

2.On the instructions of this Court, the petitioner herein had produced her testimonials with regard to her educational qualifications. A perusal of the same reveals that the petitioner had completed her BCA., Degree in May-2003; M.A(English) on 05.02.2008; B.Ed., Degree on 30.12.2012. Thus, the format, in which, she had completed her essential educational qualification is through BCA., MA., B.Ed., which are the essential qualifications for appointment to the post of PG Assistant (English). Apparently, the proposal sent by the fourth respondent herein has not been properly assessed. The qualifications obtained by the petitioner for these three Degrees, is in the prescribed format. Consequently, it requires to be held that the petitioner herein possesses the essential educational qualifications for being appointed, to the post of PG Assistant (English).

3.It is now brought to the notice of this Court that in view of the impugned order passed by the Educational Department, the fourth respondent School Management seems to have the posted the petitioner in a Self Financed Scheme



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and appointed the fifth respondent herein in that place. However, the respondents 1 to 3 herein had filed a counter affidavit stating that they had not received any proposal from the School Management with regard to the new appointment of the fifth respondent herein. Thus, the appointment of the fifth respondent herein does not require ratification, in view of the finding that the petitioner already possesses the necessary essential educational qualifications required for her earlier appointment.

4. In this background, the impugned order, dated 30.09.2021 on the file of the fourth respondent is set aside. Consequently, there shall be a direction to the fourth respondent herein to submit a fresh proposal to the second respondent herein seeking for appointment of the writ petitioner herein, namely, M.Geraldin Malar for the post of PG Assistant(English), with effect from the date of appointment, within a period of two (2) weeks from the receipt of a copy of this order. On receipt of such proposal, the second respondent herein shall process the same and pass appropriate orders for approval, without reference to the petitioner's educational qualifications, since this Court has already found that she possesses the essential educational qualifications to hold the post of PG Assistant



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(English). Such orders on the proposal shall be passed within a period of four(4) weeks from the date of receipt of proposal.

5. With the above observations, the Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

26.08.2022
(2/2)

Index : Yes / No

Internet : Yes / No

Rmk

To

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M.S.RAMESH, J.

Rmk



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Order made in
W.P.(MD) No.18714 of 2021

Dated:
26.08.2022