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W.P.(MD)NO.21742 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.21742 of 2022 and
W.M.P.(MD)No.15912 of 2022

D.Gnana Theeba Rani

... Petitioner

Vs.

1. The Chief Educational Officer,
Virudhunagar District.
2. The District Educational Officer,
Srivilliputhur,
Virudhunagar District.
3. The Correspondent,
C.M.S.Higher Secondary School,
Srivilliputhur,
Virudhunagar 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 pertaining to the order passed by the 2nd respondent in his proceedings in O.Mu. No. 2284/A4/2022 dated 29.07.2022 and quash the same, and direct the respondents to approve the petitioner's appointment as Pre-Vocational Instructor Tailoring Teacher with effect from 12.02.2020 with salary and confer all the consequential benefits.



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For Petitioner : Mr.V.Panneer Selvam

For R-1 & R-2 : Mr.N.Satheesh Kumar,
Additional Government Pleader.

For R-3 : Mr.A.L.Kannan

* * *

ORDER

Heard the learned counsel on either side.

2. The writ petitioner is working as Sewing Teacher in the third respondent school. The third respondent school is a minority institution. It is receiving aid from the Government. The petitioner was appointed on 12.02.2020 in the vacancy that arose on account of the retirement of one Mr.K.Samuvel on 31.03.2019. It is a sanctioned post. The management submitted a proposal for approving the said appointment. The first respondent is the competent authority. The second respondent without forwarding the proposal to the competent authority chose to return the same by the impugned proceedings dated 29.07.2022.



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3. The approach of the second respondent is unsustainable. It is not in dispute that on the date when the petitioner was appointed, the post was not rendered surplus. The reason set out in the impugned order is also unsustainable and quashed.

4. The third respondent is directed to re-submit the proposal to the second respondent. The second respondent shall without any delay forward the same to the first respondent / competent authority. The first respondent shall pass appropriate order on merits and in accordance with law within a period of four weeks thereafter. This writ petition stands disposed of with the aforesaid direction. No costs. Consequently, connected miscellaneous petition is closed.

30.11.2022

Index : Yes / No
Internet : Yes/ No

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To:

1. The Chief Educational Officer,
Virudhunagar District.
2. The District Educational Officer,
Srivilliputhur,
Virudhunagar District.



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5

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G.R.SWAMINATHAN,J.

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