



W.P(MD)No.22107 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.22107 of 2022

and

W.M.P.(MD)No.16264 of 2022

B.Stepha Sharon

Vs.

... Petitioner

1.The District Educational Officer,
O/o. Valliyoor District Educational Officer,
Valliyoor,
Tirunelveli District.

2.The Block Educational Officer,
O/o. the Block Educational Office,
Nanganeri,
Tirunelveli District.

3.The Correspondent,
Jawahar National Middle School,
Subramaniapuram,
Emmankulam Post,
Nanganeri Taluk,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records in regard to the impugned order of return made by the 1st respondent in



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O.Mu.No.1180/A2/2022 dated 06.07.2022 and quash the same and consequently, directing the 1st Respondent to grant approval of appointment in the post of Headmistress in the pay scale of B.T.Assistant and pay the same from the date of appointment i.e., 15.03.2021 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.K.Sankar
For R1 & R2 : Mr.R.Suresh Kumar
Additional Government Pleader

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 & 2.

2. The writ petitioner was appointed as Headmaster of the third respondent middle school. The Management sent proposal for approval of the said appointment. The first respondent returned the proposal to the second respondent seeking clarification as to why when the eligible candidates are available in the school itself, the petitioner was chosen from the open market. The petitioner is also not having five years qualification. Challenging the said intra-departmental communication, the present writ petition has been filed.

3. The petitioner states that the second respondent is only the forwarding authority and the management has since replied to the said query. The copy of



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the response given by the management is enclosed at Page No.57 of the typed set of papers.

4. The first respondent is directed to pass order on the aforesaid proposal submitted by the management within a period of eight weeks from the date of receipt of a copy of this order. I make it clear that I have not gone into the merits of the matter. Before passing final order, the first respondent is directed to hear the writ petitioner as well as the Management representative in person.

5. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

29.11.2022

Index : Yes / No
Internet : Yes/ No
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To

1.The District Educational Officer,
O/o. Valliyoor District Educational Officer,
Valliyoor,
Tirunelveli District.

2.The Block Educational Officer,
O/o. the Block Educational Office,
Nanganeri,
Tirunelveli District.



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G.R.SWAMINATHAN, J.

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