



W.P.(MD)No.28114 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.28114 of 2022

and

W.M.P.(MD)Nos.22200 and 22202 of 2022

R.Sharon Milton

... Petitioner

Vs.

1. The Chief Educational Officer,
Office of the Chief Educational Office,
Madurai District.
2. The District Educational Officer,
Office of the District Educational Office,
Madurai District.
3. The Correspondent,
O.C.P.M. Higher Secondary School,
Tallakulam P.O,
Madurai - 625 002.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the first respondent vide his proceedings in O.Mu.No.6564/A4/2020 dated 20.10.2020 and quash the



W.P.(MD)No.28114 of 2022

same as illegal and consequentially to direct the first respondent to approve the appointment of the petitioner in the post of B.T. Assistant (English) w.e.f. 10.06.2019 within the period that may be stipulated by this Court.

For Petitioner : Ms.H.Jasmina Yasmin
for M/s. Ajmal Associates

For Respondents : Mr.J.Ashok
Addl. Govt. Pleader for R1 & R2

O R D E R

This Writ Petition has been filed to call for the records relating to the impugned order passed by the first respondent vide proceedings in O.Mu.No.6564/A4/2020 dated 20.10.2020, quash the same and consequentially, direct the first respondent to approve the appointment of the petitioner in the post of B.T. Assistant (English) with effect from 10.06.2019.

2. The case of the petitioner is that the petitioner was appointed in the post of B.T.Assistant (English) in the third respondent School vide proceedings of the Diocese of Madurai-Ramnad, Church of South India, dated 10.06.2019. In pursuance of her appointment, the Correspondent of the third respondent School, has sent the proposal for the approval of her



W.P.(MD)No.28114 of 2022

appointment to the second respondent and the same was forwarded to the first respondent. However, the first respondent has chosen to pass the impugned order dated 20.10.2020 rejecting the proposals for approval of the her appointment on the ground that in pursuance of the interim order dated 09.04.2019 in W.A.(MD)Nos.76 of 2019 etc., wherein this Court issued a direction to the Educational Authorities as well as Management that there shall not be any fresh appointment from today in Private Aided Schools, till surplus teachers in other schools coming under the same Management are exhausted. The Government shall not approve any appointment made by the Private Aided Schools, till surplus teachers in the Schools coming under the same Management are exhausted. Hence, the present impugned order is passed.

3. The learned counsel appearing for the petitioner would submit that subsequently, the Writ Appeal was disposed of, vide order dated 31.03.2021. Hence, this Court may issue a direction to the third respondent to forward the proposal for approval of her appointment to the Educational Authorities and accordingly, she prayed for appropriate orders.



W.P.(MD)No.28114 of 2022

WEB COPY

4. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

5. In view of the fair submission made by the learned counsel appearing for the petitioner, if the petitioner is in employment in the third respondent School, the third respondent is directed to forward the proposal to the first respondent / Chief Educational Officer for approval of her appointment in terms of the order passed by this Court in W.A.(MD)Nos.76 of 2019 etc., batch dated 31.03.2021. Thereafter, the first respondent may take appropriate decision in accordance with law.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

15.12.2022

Index : Yes / No

Speaking Order : Yes / No

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W.P.(MD)No.28114 of 2022

WEB COPY

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M.DHANDAPANI,J.

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