



WEB COPY



W.P.No.172 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2023

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.172 of 2023
and
W.M.P.Nos.163 and 164 of 2023

I.Violet Christina

... Petitioner

Vs.

1.The Chief Educational Officer,
Thiruvallur,
Thiruvallur District.

2.The District Educational Officer,
Thiruvallur,
Thiruvallur District.

3.The Correspondent,
CSI Goudie Higher Secondary School,
Thiruvallur - 602 001,
Thiruvallur District.

... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the 2nd respondent in his proceedings Na.Ka.No.1137/A5/2022 dated 25.11.2022 and quash the same and consequently direct the 2nd respondent to approve the appointment of



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the petitioner as B.T. Assistant (Maths) in the 3rd respondent management aided minority school from the date of petitioner joining the said post on 04.07.2012 and pay salary and by considering the proposals of 3rd respondent dated 21.10.2020 with all consequential benefits.

For Petitioner : Mr.P.Ganesan

For Respondents : Mr.R.U.Dinesh Raj Kumar
Additional Government Pleader
for R1 and R2

R3 - Dispensed with

ORDER

By consent of both the parties, this Writ Petition has been taken up for final hearing in the admission stage itself.

2. The petitioner has challenged the impugned order dated 25.11.2022, rejecting the proposal submitted by the third respondent School, seeking approval for the appointment of the petitioner as B.T.Assistant (Maths) in the third respondent School.

3. Heard Mr.P.Ganesan, learned counsel for the petitioner and Mr.R.U.Dinesh Raj Kumar, learned Additional Government Pleader who



accepts notice on behalf of R1 and R2. Since no adverse orders are passed against the third respondent, notice to the third respondent is dispensed with.

4. The only reason given by the second respondent under the impugned order for rejecting the third respondent's proposal is that they were unable to get the Government Pleader's opinion with regard to the proposal submitted by the third respondent, seeking approval for the appointment of the petitioner as a B.T.Assistant (Maths). That cannot be a genuine reason for rejecting the third respondent's proposal. Therefore, this Court is of the considered view that by total non application of mind, the impugned order has been passed. Therefore, necessarily, the impugned order has to be quashed and the matter has to be remanded back to the second respondent for fresh consideration, on merits and in accordance with law, within a time frame to be fixed by this Court.

5. For the foregoing reasons, the impugned order dated 25.11.2022 passed by the second respondent is hereby quashed and the matter is remanded back to the second respondent for fresh consideration. The second



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respondent is directed to pass final orders, on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

6. With the aforementioned directions, this Writ Petition is disposed of. No Costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

05.01.2023

Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No
ab

To

1.The Chief Educational Officer,
Thiruvallur,
Thiruvallur District.

2.The District Educational Officer,
Thiruvallur,
Thiruvallur District.



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ABDUL QUDDHOSE. J.,

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