



WEB COPY



W.P.544 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.544 of 2023

V.Sivaranjani

...Petitioner

Vs.

1.The District Elementary Educational Officer,
Chengalpattu District,
Chengalpattu.

2.The Assistant Elementary Educational Officer,
Thirupporur,
Chengalpattu District.

3.The Correspondent,
R.C. Primary School,
Koman Cherry, Thaiyur Post,
Thirupporur Taluk,
Chengalpattu District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent in Na.Ka.No.07/Aa1/2022, dated 06.12.2022 and quash the same and further directing the respondents 1 and 2 to approve the appointment of the petitioner



W.P.544 of 2023

as Secondary Grade Teacher in the third respondent school with effect from 03.08.2015, with the consequential benefits.

For Petitioner : Mr.S.Gopinathan

For Respondent : Mr.S.Prabhakaran, GA
Nos.1 & 2

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. The third respondent herein is a Minority Aided Educational Institution. Through an order dated 01.08.2015, the petitioner was appointed as a Secondary Grade Teacher (SGT) at their School with effect from 03.08.2015 in the sanctioned vacancy of one Mrs.L.Arokia Mary, who got transferred on 01.07.2015. When the School had made an application seeking for approval of the petitioner's appointment, it came to be rejected by the respondents through the impugned order dated 06.12.2022.

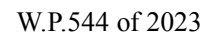
3. The reason assigned in the impugned order of rejection is that, the respondents had conducted a staff fixation for the year 2016-2017 to 2021-2022. On the basis of the Student-Staff ratio



W.P.544 of 2023

for the year 2016-17, one post of SGT was declared to be surplus and the respondents claimed that this sanctioned surplus post was surrendered to the general pool of the Director of Elementary Education.

4. Admittedly, the petitioner was appointed in the sanctioned post on 03.08.2015. The staff fixation process was done for the year 2016-17. It is not the case of the respondents that there was surplus post in the third respondent School for the year 2015-16, when the petitioner was appointed. While that being so, taking into account of the alleged surplus teacher for the year 2016-17 and surrendering the same, may not be proper. Had the respondents disposed of the application seeking for approval of the petitioner's appointment in time, such a situation would not have arisen. Even otherwise, there is no justification on the part of the respondents in referring to the surplus teacher for the year 2016-17 when the petitioner was appointed prior to that i.e., in the year 2015-16. In view of the same, the impugned order dated 06.12.2022 on the file of the first respondent herein, is quashed. Consequently, there shall be a direction to the respondents 1 and 2 to pass appropriate orders, granting approval for the appointment



21.06.2023

DP



WEB COPY



W.P.544 of 2023

To

- 1.The District Elementary Educational Officer,
Chengalpattu District,
Chengalpattu.
- 2.The Assistant Elementary Educational Officer,
Thirupporur,
Chengalpattu District.



WEB COPY



W.P.544 of 2023

M.S.RAMESH,J.

DP

W.P.No.544 of 2023

21.06.2023