



WEB COPY



W.P.No.1677 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 07.08.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

**W.P.No.1677 of 2023 &  
WMP.Nos.1777, 1778 & 1779 of 2023**

J.V.Madhan Raj

... Petitioner

**Vs**

1. The Chief Educational Officer,  
Cuddalore.
2. The District Educational Officer,  
Virudhachalam.
3. The Block Educational Officer,  
Nallur.
4. Danish Mission Elementary School,  
rep. by its Central Manager,  
A.L.C.Campus, Bharathi Road, Cuddalore.

... Respondents

Prayer:- Writ Petition filed under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order of second respondent in proceedings NA. KA. No. 095/A4/2022 dated 30.11.2022 and quash the same and consequentially direct the respondents 1 to 3 to approve the appointment of the petitioner



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in the fourth respondent School and pay the arrears of Salary emoluments and other benefits to the petitioner from the date of appointment on 18.11.2016.

For Petitioner : Mr.K.J.Parthasarathy

For Respondents : Mr.P.Baladhandayutham  
Special Government Pleader – R1 to R3

Ms.Aishwarya S.Nathan – R4

### **ORDER**

This Writ Petition has been filed to quash the order of second respondent in proceedings dated 30.11.2022 and consequentially direct the respondents 1 to 3 to approve the appointment of the petitioner in the fourth respondent School and pay the arrears of Salary emoluments and other benefits to the petitioner from the date of appointment on 18.11.2016.

2. The case of the petitioner is that the petitioner has been appointed as a Secondary Grade Teacher on compassionate ground and the proposal has been sent by the fourth respondent for approval of the



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appointment of the petitioner. However, the same has been rejected citing G.O.165 dated 17.09.2019. Though it is stated in the Order to the effect that there are only two teacher vacancies in the year 2016 - 2017, the impugned Order has been passed mainly on the basis of the above Government Order.

3. It is relevant to note that Government Order 165 dated 17.09.2019. has been declared inoperative by the Division Bench of this Court in a judgment in a Writ Appeal in W.A. [MD] No.76 of 2019 dated 31.03.2021 and hence, the impugned Order, relying upon the above Government Order cannot be sustained in the eye of law.

4. Accordingly, the matter is remitted back to the second respondent to pass a detailed order after verifying all the documents in this regard. Such an exercise shall be completed within a period of three months from the date of receipt of a copy of this Order.

5. With the above observations, this Writ Petition is disposed of.



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Consequently, connected miscellaneous petitions are closed. No costs.

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Index:Yes/No

Neutral Citation : Yes/No

vrc

To,

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**N.SATHISH KUMAR, J.**

VTC

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