



WEB COPY



W.P.No.17878 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05..07..2023

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.17878 of 2022

&

W.M.P.No.17223 of 2022

Tmt.D.Christy

..... Petitioner

-Versus-

1.The Director of Elementary Education,
College Road, Chennai-6.

2.The District Educational Officer,
Virudhachalam.

3.The Block Educational Officer,
Block Educational Office,
Virudachalam.

4.The Correspondent,
Danish Mission Elementary School,
Pudhukuppam, Virudachalam 606 001.

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the entire records connected with the impugned order passed by the 3rd respondent vide Aa.Thi.Mu.No.1639/A2/2021, dated 27.12.2020 and vide O.Mu.No.796/A2/2022, dated Nil.04.2022 and to quash the same and



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consequently direct the 2nd respondent to approve the appointment of the petitioner as Secondary Grade Teacher in the 4th respondent school w.e.f. 09.02.2018, with all consequential benefits in the light of the order passed in W.P.No.3189 of 2020 dated 26.06.2020, confirmed in W.A.No.1090 of 2020 dated 04.02.2021.

For Petitioner : Mr.S.N.Ravichandran

*For Respondents : Mr.S.Prabhakaran,
Government Advocate
for RR1 to 3*

No appearance for R4

ORDER

This writ petition has been filed challenging the impugned order passed by the 3rd respondent refusing to forward the proposal for approval of appointment of the petitioner made by the 4th respondent as Secondary Grade Teacher and rejecting the proposal.

2. The petitioner was appointed as Secondary Grade Teacher on 08.02.2018 by the 4th respondent in a vacancy that arose pursuant to the transfer of a teacher on 16.07.2013. According to the petitioner, she joined duty on 09.02.2018. When a proposal was forwarded to the 3rd respondent for approval, the 3rd respondent, who did not have jurisdiction, had refused to accord approval.



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3. The learned counsel for the petitioner contended that the petitioner's case will not cover either under G.O.Ms.No.165, School Education [E.Edu.2(1)] Department dated 17.09.2019 or by judgement in W.A.No.1090 of 2021 Since she was appointed on 08.02.2018.

4. Whether approval could be accorded or not is not within the jurisdiction of the 3rd respondent and it is for the 2nd respondent to decide the same. This factual position has not disputed by the learned Government Advocate though a detailed counter has been filed on behalf of the 3rd respondent. Therefore, this court is of the view that the impugned orders lack authority and jurisdiction and as such the same is liable to be set aside.

In the result, the impugned orders are set aside and the 3rd respondent shall forward the proposal submitted by the 4th respondent to the 2nd respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of such proposal, the 2nd respondent shall pass appropriate orders thereof on merits and in accordance with law within a period of two months thereafter. The writ petition is disposed of accordingly with the above directions. No costs. Consequently connected WMP is closed.

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Index : yes / no
Neutral Citation : yes / no
kmk



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N.SATHISH KUMAR.J.,
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