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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2023

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.17235 of 2020 and
W.M.P.Nos.21305 & 21308 of 2020

Leelavathi Vadakattu

... Petitioner

Vs.

1.The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.

2.The Chief Educational Officer,
Chennai District,
Egmore, Chennai 600 008.

3.The District Educational Officer,
Chennai Central Education District,
Saidapet, Chennai 600 015.

4.The Correspondent,
Kesari Higher Secondary School,
Mylapore, Chennai 600 004.

... Respondents

PRAYER: This Writ Petition has been filed to issue a Writ of



Certiorarified Mandamus to call for the records relating to the impugned proceedings issued by the third respondent in Na.Ka.No.1558/Aa3/2020 dated 11.09.2020 and to quash the same and consequently, direct the respondents to approve the appointment of the petitioner in the post of B.T.Assistant (Science) from the date of appointment from 22.03.2018 in the 4th respondent School with all consequential and attendant benefits including the payment of salary, within a time frame to be fixed by this Court.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.T.Chezhiyan, AGP

ORDER

The petitioner has filed this Writ Petition to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings issued by the third respondent in Na.Ka.No.1558/Aa3/2020 dated 11.09.2020 and to quash the same and consequently, direct the respondents to approve the appointment of the petitioner in the post of B.T.Assistant (Science) from the date of appointment from 22.03.2018 in the 4th respondent School with all consequential and attendant benefits including the payment of salary, within a time frame to be fixed by this Court.



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2. Heard Mr.S.Nedunchezhiyan, learned counsel for the petitioner and Mr.T.Chezhiyan, learned Additional Government Pleader for the respondents.

3. By virtue of the appointment order issued by the fourth respondent dated 22.03.2018, the petitioner has been appointed as B.T.Assistant (Science) in the vacancy caused due to the promotion of Tmt.N.Jansirani. The said N.Jansirani was a Secondary Grade Teacher and she has been promoted as B.T.Assistant on 25.06.2015. As per the sanctioned post allotted to the School for the period between 2017-18, it is seen that the fourth respondent has been given with one B.T.Assistant for handling classes for 9th to 10th and yet another post for the subject of Science for handling classes for the students of 6th to 8th. However the erstwhile posts sanctioned in the middle class standards have been upgraded from Secondary Grade to B.T.Assistant. So there is no quarrel on the point that the petitioner has been appointed as B.T.Assistant as she



had the required qualification.

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4. However in the impugned order, it is stated that as per G.O.Ms.No.144, subject change approval should be obtained from the Chief Educational Officer, the second respondent herein, before appointment and it is also stated that the required permission has to be obtained for changing the subject in the cadre of B.T.Assistant from Secondary Grade.

5. In the sanction order itself, it has been stated by the Chief Educational Officer that all those subject teachers who were handling all the five subjects in the cadre of Secondary Grade has been upgraded to B.T.Assistant. The impugned order does not say how the appointment of the petitioner has an impact as to the change in the subject because the earlier teacher by name N.Jansirani was also a Science Teacher and after she got promoted as B.T.Assistant, she handled Science for standards 9 and 10. So her vacancy will relate back only to the subject of Science and the petitioner has been appointed as Science teacher.



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6. When the appointment does not have any impact upon the change of subject, it is difficult to understand how the third respondent invoke G.O.Ms.No.144, for returning the proposal for approval. Firstly, the sanctioned post itself has already been upgraded to B.T.Assistant from Secondary Grade. Hence there need not be any separate order for upgradation. As there was a vacancy in the B.T.Assistant post which was already sanctioned, the erstwhile Secondary Grade Teacher was appointed in that post. Even though the post occupied by N.Jansirani was a Secondary Grade post, due to its upgradation, it has become a post of B.T.Assistant. Only by taking into account of the upgradation, the petitioner has been appointed as B.T.Assistant. The said appointment was not approved without any solid reasons. Hence, the impugned order is liable to be set aside.

7. In the result, this Writ Petition is allowed and the impugned proceedings issued by the third respondent in Na.Ka.No.1558/Aa3/2020 dated 11.09.2020 is set aside and the respondents are directed to approve



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the appointment of the petitioner in the post of B.T.Assistant (Science) from the date of appointment from 22.03.2018 in the 4th respondent School with all consequential and attendant benefits, within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes

Internet : Yes/No

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To

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R.N.MANJULA, J.

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