



W.P.No.16707 of 2020

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.16707 of 2020

and

W.M.P.No.20713 of 2020

Annai Lourd High School,
No.1, School Road,
Rajiv Gandhi Nagar,
Pattabiram, Chennai – 600 072.

Rep. by its Correspondent,
Thiru.D.Vargease,
S/o.Late Daveed

.. Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Fort. St. George, Secretariat,
Chennai – 600 009.

2.The Director of Elementary Education,
DPI Campus, College Road,
Chennai – 600 006.

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



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4. The District Educational Officer,
Avadi Educational District,
Kamaraj Nagar, Avadi,
Thiruvallur District.

... Respondents

Prayer: Writ petition filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 4th respondent in O.Mu.No.1252/Aa2/2020 dated 22.10.2020 and to quash the same and consequently direct the respondents to approve the appointment of Tmt.S.Bhavani in the sanctioned post of B.T.Assistant (Maths) in the petitioner school with effect from 02.09.2020 with all consequential and other attendant benefits.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.G.Nanmaran
Special Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the 4th respondent in O.Mu.No.1252/Aa2/2020 dated 22.10.2020 and for a consequential direction to the respondents to approve the appointment of Tmt.S.Bhavani in the sanctioned post of B.T.Assistant (Maths) in the petitioner school with effect from 02.09.2020 with all consequential and other attendant benefits.



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2. The petitioner School is the recognised private aided Christian Minority School established in the year 1987. A vacancy arose to the post of B.T. Assistant (Maths) on 20.07.2020 and the petitioner school has selected and appointed one Tmt.S.Bhavani on 02.09.2020 for the said post. The petitioner School has forwarded the proposal to the Department seeking approval of appointment of Tmt.S.Bhavani in the post of B.T. Assistant (Maths) with effect from 02.09.2020. The fourth respondent vide impugned order dated 22.10.2020, had returned the proposal stating that the appointment of Tmt.S.Bhavani cannot be approved by the department. Aggrieved over the impugned order dated 22.10.2020, the petitioner School has filed this writ petition.

3. The petitioner School is a Private Aided Minority School, hence, they make their own appointments and send the proposal for approval of the Government. During the year 2020, the petitioner School had two sanctioned B.T.Assistant post. Subsequent to the introduction of Right of Children to Free and Compulsory Education Act, 2009, it is mandatory to have atleast one



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teacher for Class VI Std. to VIII Std. Since the petitioner School has got VI, VII and VIII Std., it requires three Secondary Grade Teacher post and there is no surplus teacher in the cadre of Secondary Grade Teacher. The Government itself has sanctioned two B.T. Assistant Teachers apart from three Secondary Grade Teachers for the petitioner's School. In the impugned order it is stated that till the deployment of surplus teachers in Government / Aided Schools is completed, there cannot be any recruitment or appointment by the school concerned. Further, in the impugned proceedings it has been stated that apart from the Head Master, there are six teachers working in the petitioner's School and as on 01.08.2019, one Secondary Grade Teacher is found to be surplus. Insofar as the post of B.T. Assistant is concerned, there is already a sanctioned post available and for which Tmt.S.Bhavani has been appointed.

4. The fourth respondent has passed the impugned order without application of mind. It will be very difficult to manage Maths classes for the students without the B.T.Assistant (Maths) teacher. As only one Maths teacher (B.T.Assistant level) is sanctioned and there are children studying from VI to X



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standard, the students cannot learn Maths without a Maths teacher. Hence, the fourth respondent ought to have considered the appointment of Maths Teacher and ought to have sanctioned the post with least delay. The petitioner did not take into consideration of the existing vacancy in the sanctioned post and all other attending circumstances which are required to fill up the post at the earliest.

5. Hence, the Writ Petition is disposed of and the 4th respondent is directed to approve the appointment of Tmt.S.Bhavani in the sanctioned post of B.T.Assistant (Maths) in the petitioner's School w.e.f. 02.09.2020, with all consequential and other attendant benefits and pass orders within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

09.10.2023

Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

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R.N.MANJULA, J.

rsi/sri

To

- 1.The Principal Secretary to Government,
School Education Department,
Fort. St. George, Secretariat,
Chennai – 600 009.
- 2.The Director of Elementary Education,
DPI Campus, College Road,
Chennai – 600 006.
- 3.The Chief Educational Officer,
Thiruvallur District,
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