



WEB COPY



W.P.No.21927 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.21927 of 2023

and

W.M.P.Nos.21280 & 21281 of 2023

Nazareth Girls' Higher Secondary School,
Represented by its Correspondent
Yercaud – 636 601
Salem District.

... Petitioner

Vs.

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

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

3.The Chief Educational Officer,
Office of the Chief Educational Officer,
Chengalpet,
Chengalpet District.

4.The District Educational Officer,
The Office of the District Educational Officer,
Chengalpet,
Chengalpet District.

... Respondents



W.P.No.21927 of 2023

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of deployment, dated 22.06.2023, in Na.Ka.No 19423/AA4/2022-12, on the file of the 3rd respondent and quash the same, directing the respondents to accord approval to the appointment of Sr.R.Mariya Sheela Rani as B.T. Assistant (Maths) and Sr.S.Velankanni as B.T. Assistant (English) in the petitioner school, from 01.06.2020 and 13.06.2022 respectively.

For Petitioner : Dr.Xavier Arulraj
Senior Counsel
for M/s.Father Xavier Associates

For Respondents : Mr.P.Baladhandayutham
Special Government Pleader

ORDER

This writ petition has been filed challenging the order of deployment, dated 22.06.2023, in Na.Ka.No 19423/AA4/2022-12, on the file of the 3rd respondent and to direct the respondents to accord approval to the appointment of Sr.R.Mariya Sheela Rani as B.T. Assistant (Maths) and Sr.S.Velankanni as B.T. Assistant (English) in the petitioner school, from 01.06.2020 and 13.06.2022 respectively.



W.P.No.21927 of 2023

WEB COPY

2.The petitioner is a minority School. It is the case of the petitioner that, on 01.06.2020, the management of the petitioner School appointed one Sr.R.Mariya Sheela Rani as B.T.Assistant (Maths) in the vacancy arising out of the promotion of earlier incumbent namely Sr.S.Josephine Rebella Rosi. The petitioner School further appointed one Sr.S.Velankanni as B.T.Assistant (English) on 13.06.2022 in the vacancy arising out of the death of one Mrs.D.Mary. The petitioner sent proposals to the respondents seeking approval of appointments of the above staff on 03.06.2020 and 16.06.2022 respectively. The grievance of the petitioner is that, pending the proposals, the 3rd respondent, by impugned proceedings dated 22.06.2023, deployed one Mrs.R.Caroline Shanthi, B.T.Assistant (Maths) from St.Paul's Hr. Sec. School, Salem, to the petitioner School, citing as if there are vacant posts in the petitioner School. However, there is no vacancy in the petitioner School in the post of B.T.Assistant (Maths), as the said post has already been filled up by appointing the said Sr.R.Mariya Sheela Rani and she is continuing to work in the petitioner School. Therefore, the petitioner has filed the present writ petition challenging the order of deployment issued by the 3rd respondent.



W.P.No.21927 of 2023

3.Learned Senior Counsel appearing for the petitioner School

submitted that, despite the proposals seeking approval of appointment of two teachers are pending with the respondents without any order being passed, the 3rd respondent has proceeded to pass the impugned order by deploying a teacher from other School to the petitioner School, displacing the teacher already working in the petitioner School.

4.I have perused the proposals sent by the petitioner School seeking approval of the above said teachers who were appointed by the management of the petitioner School on 01.06.2020 and 13.06.2022 respectively. Admittedly, the proposals are pending disposal.

5.Mr.P.Baladandayutham, learned Special Government Pleader, who takes notice on behalf of the respondents, submits that, if the petitioner re-submits the proposals for approval of appointments made by the petitioner in the year 2000 and 2002, the same will be considered by the respondents and necessary orders will be passed.



W.P.No.21927 of 2023

6. In such view of the matter, the petitioner School is directed to re-submit the proposals seeking approval of appointments made by them on 01.06.2020 and 13.06.2022, to the respondents, within a period of 15 days from today. On such proposals being submitted by the petitioner, the respondents shall consider the same and pass appropriate orders, on its own merits and in accordance with law, within a period of two months from the date of receipt of such proposals. It is made clear that, till such orders are passed by the respondents on the fresh proposals to be submitted by the petitioner, there shall not be any deployment in the petitioner School.

7. With these observations, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

25.07.2023
(2/2)

mkn

Internet : Yes
Index : Yes / No
Neutral citation : Yes / No
Speaking order / Nonspeaking order

N. SATHISH KUMAR, J.



W.P.No.21927 of 2023

mkn

WEB COPY To

- 1.The Principal Secretary,
Government of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai – 600 009.
- 2.The Director of School Education,
DPI Campus,
College Road,
Chennai – 600 006.
- 3.The Chief Educational Officer,
Office of the Chief Educational Officer,
Chengalpet,
Chengalpet District.
- 4.The District Educational Officer,
The Office of the District Educational Officer,
Chengalpet,
Chengalpet District.

W.P.No.21927 of 2023

25.07.2023
(2/2)