



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2023

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.24728 of 2021
&
W.M.P.No.26011 of 2021

A. Lakshmi Priya

... Petitioners

versus

1. The District Educational Officer,
Chennai East Educational District,
Chennai 600 005

2. The Block Educational Officer,
Triplicane Block,
Chennai 600 005

3. The Correspondent,
The Madras Telugu Baptist Church Primary School,
52, Veerabadra Achary Street,
Pudupet, Chennai 600 002

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings issued by the first respondent in Na.Ka.No.3234/Aa1/2021 dated 29.10.2021 and to quash the same and consequently, directing the respondents 1 and 2 to grant approval of



appointment of the petitioner in the sanctioned post of Secondary Grade Teacher (Telugu) in the 3rd respondent school with effect from 02.07.2018 with all consequential benefits including arrears of salary.

For Petitioner : Mr. S. Nedunchezhiyan
For Respondents : Mr. P. Sanjiv Gandhi
Government Advocate
for R1 & R2

ORDER

Challenging the impugned proceedings issued by the first respondent in Na.Ka.No.3234/Aa1/2021 dated 29.10.2021, the present writ petition has been filed.

2. The petitioner was appointed in the sanctioned post as Secondary Grade Teacher(Telugu) on 02.07.2018 by the third respondent Government Aided Linguistic Minority Institution. After her appointment, proposal was forwarded by the third respondent school to the first respondent through proper channel on 17.09.2020. But, the proposal was not considered by the second respondent, Block Educational Officer though the petitioner's appointment was made in the sanctioned post as per staff fixation order for the year 2018-2019. The proposal was not considered by the Department



by referring to G.O.Ms.No.165 of School Education Department dated 17.09.2019. In the said Government Order, it has been stated that the teachers post cannot be filled up without exhausting the surplus teacher working in other aided schools within the revenue district.

3. The petitioner's appointment was made even before the G.O.Ms.No.165, dated 17.09.2019 came into force. Further, in the Government Order itself it is declared to be inoperative by virtue of the order of the Division Bench of this Court made in W.A.(Md) No.76 of 2019, dated 20.09.2019. Thereafter, the third respondent has forwarded the proposal dated 17.09.2020 to the first respondent through proper channel enclosed with all particulars and documents including the staff fixation order. Since no order has been passed, the petitioner was forced to file this writ petition.

4. Heard both sides and perused the materials available on records carefully.

5. It is submitted by the Government Advocate appearing for the respondents 1 and 2 that the first respondent had issued the order dated



29.10.2021, which is an impugned order, on the petitioner on 09.11.2021, by rejecting the proposal for approval of appointment as Secondary Grade Teacher(Telugu) because the appointment was made without students strength and there are one Headmaster and one Secondary Grade Teacher(tamil) already working in the school.

6. The post of Secondary Grade Teacher(Telugu) has been declared as sanctioned post as per the Staff Fixation Order issued for the third respondent school for the academic year 2017-18, 2018-19, 2019-20 and 2020-21 continuously.

7. As rightly stated by the petitioner, G.O.Ms.No.165 dated 17.09.2019 has already been declared as inoperative by virtue of the order passed in W.A(MD) No.76 of 2019 dated 31.03.2021 and hence, it is not proper on the part of the first respondent to reject the proposal of the petitioner on the said ground by invoking G.O.Ms.No.165 dated 17.09.2019.



8. On a perusal of the sanctioned post for the year 2017-18, 2018-19, it is seen that the first respondent has sanctioned one Head Master, one Secondary Grade (Tamil) Teacher and one Secondary Grade(Telugu) Teacher, totally, two teachers and one Head Master. It is seen that one post is said to be surplus. During the year 2018 and 2019 also one Headmaster, who is a Telugu Teacher and one Tamil Teacher and another Telugu teacher has been sanctioned. However, in the year 2018-19 one Telugu Teacher is seems to be surplus. The petitioner was appointed on 02.07.2018 in the place of retired Telugu teacher, by name C.H.Vijayasekar and hence, during the relevant point of time, the sanctioned post was very much available.

9. In fact, the learned Government Advocate appearing for the respondents 1 and 2 submitted that the school does not have enough students and hence, the petitioner's appointment cannot be approved. But, in fact, the communication between the third respondent school and the first respondent during the month of September 2020 shows that the first respondent has sought further documents and clarifications for processing the proposal. All of a sudden the first respondent had chosen to reject the proposal by stating that there are no sufficient students. In such is a case,



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the first respondent, who ought not to have sanctioned the post, having sanctioned the post, now the petitioner turned around. Eventhough the first respondent is at liberty to revise for the subsequent years, the first respondent ought to have grant his approval atleast in the time when the vacancy for the post of Telugu Teacher was in force.

10. Hence, the impugned order dated 29.10.2021 passed by the first respondent is set-aside and the first respondent is directed to reconsider the proposal afresh taking into consideration of the availability of the sanctioned post during the relevant point of time,

11. With the above direction, this writ petition is disposed of . No costs. Consequently, connected Miscellaneous Petition is closed.

10.10.2023

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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