



W.P.No.24103 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

**WP.No.24103 of 2023 &
WMP.Nos.23588 & 23589 of 2023**

N.Revathi

... Petitioner

Vs

1. The State of Tamil Nadu
Rep. by its Secretary, Department of School Education,
Fort St. George, Chennai – 600 009.
2. The Director of School Education,
College Road, Chennai – 600 006.
3. The Chief Educational Officer,
Coimbatore, Coimbatore District.
4. The District Educational Officer,
Pollachi, Coimbatore District.
5. The Secretary,
Sokkan Chettiyar Mallammal Higher Secondary School,
Vadampacheri Post, Sulur – 641 669, Coimbatore District.

... Respondents



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Prayer:- Writ Petition filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the fourth respondent District Educational Officer in O.Mu. No.7980/ Aa3/ 2023 dated 23.03.2023, quash the same and further direct the third and fourth respondents to approve forthwith the appointment of petitioner as PG Assistant (Maths) in the fifth respondent school with effect from the date of her appointment viz., 13.06.2022 and release salary and all attendant benefits with effect from the said date with all attendant benefits including arrears of salary and allowances.

For Petitioners : Mr.A.Maheshnath

For Respondents : Mr.V.Jeevagiridharan,
Additional Government Pleader R1 to R4

ORDER

This Writ Petition has been filed to quash the impugned order passed by the fourth respondent dated 23.03.2023 and further direct the third and fourth respondents to approve forthwith the appointment of petitioner as PG Assistant (Maths) in the fifth respondent school with effect from the date of her appointment viz., 13.06.2022 and release



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salary and all attendant benefits with effect from the said date with all attendant benefits including arrears of salary and allowances.

2. This Writ Petition has been filed challenging the Order of the District Educational Officer returning the approval sent by the school for promoting the petitioner as P.G. Assistant. The main ground on which the approval has been returned is that as far as the appointment to high and Higher Secondary School is concerned, only Chief Educational Officer is the competent authority. Whereas, the District Educational Officer, without forwarding the same to the Chief Educational Officer has returned it. The petitioner has already given a representation to the Chief Educational Officer to consider the approval of her promotion from B.T. Assistant to P.G. Assistant. Hence, the learned counsel for the petitioner submitted that it is suffice that a direction is issued to the Chief Education Officer to consider the representation of the petitioner and pass Orders on the same.



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3. Since, as per G.O.Ms.No.151, the Chief Educational Officer is the competent authority to accord prior permission for filling up of Teaching and Non Teaching posts in aided High and Higher Secondary Schools and to accord approval for the said posts, the third respondent is directed to consider the representation of the petitioner in this regard and pass appropriate Order within a period of two months from the date of receipt of a copy of this Order.

4. With the above direction, this Writ Petition is disposed of. Consequently connected miscellaneous petitions are closed. No costs.

17.08.2023

Index:Yes/No

Neutral Citation : Yes/No

vrc

To,

1. The Secretary, Department of School Education,
Fort St. George, Chennai – 600 009.



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2. The Director of School Education,
College Road, Chennai – 600 006.
3. The Chief Educational Officer,
Coimbatore, Coimbatore District.
4. The District Educational Officer,
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5. The Secretary,
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N.SATHISH KUMAR, J.

VTC

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