



W.P.No.24753 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.24753 of 2023

R.Nancy

... Petitioner

Vs

1. The Chief Educational Officer,
Thiruvallur District, Thiruvallur.
2. The District Educational Officer,
Thiruvallur District, Thiruvallur.
3. The Correspondent,
T.E.L.C.Kabis Higher Secondary School,
Pandur – 631 023, Thiruvallur Taluk and District. ... Respondents

Prayer:- Writ Petition filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents to pass orders for granting approval of promotion of the petitioner to the post of Junior Assistant with effect from 04.01.2021 made in the academic year 2020-21 with all consequential benefits including arrears of salary from the date of promotion and other service benefits within a time frame to be fixed by this Court.



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For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.M.Alagu Gowtham,
Government Advocate – R1 & R2

ORDER

This Writ Petition has been filed to direct the respondents to pass orders for granting approval of promotion of the petitioner to the post of Junior Assistant with effect from 04.01.2021 made in the academic year 2020-21 with all consequential benefits including arrears of salary from the date of promotion and other service benefits within a time frame to be fixed by this Court.

2. The case of the petitioner is that the petitioner was appointed as a Record Clerk in the third respondent school on 29.04.2016 and she was given promotion to the post of Junior Assistant in the sanctioned vacancy with effect from 04.01.2021. When the second respondent sought approval of the promotion of the petitioner, the second respondent returned the proposal stating that in order to fill up the post Junior Assistant, prior permission has to be obtained from the first



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respondent. The grievance of the petitioner is that no prior permission is required under Tamil Nadu Recognized Private Schools [Regulation] Act, 1973. Hence, the present Writ Petition has been filed for granting approval of the promotion of the petitioner with effect from 04.01.2021 with all consequential benefits.

3. The learned Government Advocate appearing for the first and second respondents submitted that since there is a dispute between the correspondent and the management, the file has been returned and if a fresh proposal is sent, the same will be considered according to law.

4. In such view of the matter, the Management of the third respondent shall send a fresh proposal to the first respondent within a period of two weeks from the date of receipt of a copy of this Order and on receipt of such proposal, the first respondent shall pass Orders on the same without insisting for prior permission within a period of one month thereafter.



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5. With the above directions, this Writ Petition is disposed of. No costs.

23.08.2023

Index:Yes/No

Neutral Citation : Yes/No

vrc

To,

1. The Chief Educational Officer,
Thiruvallur District, Thiruvallur.
2. The District Educational Officer,
Thiruvallur District, Thiruvallur.
3. The Correspondent,
T.E.L.C.Kabis Higher Secondary School,
Pandur – 631 023, Thiruvallur Taluk and District.



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N.SATHISH KUMAR, J.

VTC

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