



W.P.(MD)No.1942 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.1942 of 2020
and
W.M.P.(MD).No.1626 of 2020

Michael

... Petitioner

Vs.

1.The District Educational Officer,
Sankarankovil,
Tenkasi District.

2.The Block Educational Officer,
Melaneelithanallur,
Tenkasi District.

3.The Correspondent,
R.C.Primary School, Dharmathurani,
Sankarankovil Taluk,
Tenkasi District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Certiorafified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent in his



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proceedings in Na.Ka.No.2503/Aa3/2018 dated 31.08.2018 and quash the same as illegal and consequently direct the 1st respondent to approve the appointment of the petitioner as secondary grade teacher in the 3rd respondent school with effect from 05.07.2012.

For Petitioner : M/s.Venkatesh

For R1 & R2 : Mr.J.Ashok

Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned order passed by the first respondent dated 31.08.2018 and to quash the same and consequently direct the first respondent to approve the appointment of the petitioner as secondary grade teacher in the third respondent School with effect from 05.07.2012.

2. The case of the petitioner is that the third respondent School is a minority institution and the petitioner was appointed as Secondary Grade Teacher in the third respondent School in the year 2012. Thereafter, the third respondent School sent a proposal to the first respondent for approval on



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21.02.2018 through the second respondent. The first respondent has rejected the same on the ground that he was not obtained TET qualification. Thereafter, he was appointed as B.T.Assistant (Tamil) at R.C.Middle School, Sankarankovil. The first respondent has approved the said appointment with effect from 16.12.2014, by his proceedings dated 20.03.2017. But, his appointment as Secondary Grade Teacher in the third respondent School was not approved by the first respondent. Hence, the petitioner has filed a writ petition in W.P.(MD).No.7848 of 2018 and this Court, by order dated 11.04.2018, directed the first respondent to pass orders on merits within a period of four weeks. Pursuant to which, the present impugned order dated 31.08.2018, has been passed by the first respondent, rejecting the proposal sent by the third respondent School. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that admittedly the petitioner was appointed as Secondary Grade Teacher in the third respondent School on 05.07.2012. However, the same was not approved by the first respondent on the ground that the petitioner was not



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obtained TET qualification. Thereafter, he joined in the R.C.Middle School, Sanakarankovil as B.T.Assistant (Tamil) and the said appointment was approved. However, the grievance of the petitioner is that if the first respondent approved the appointment of the petitioner as Secondary Grade Teacher in the third respondent School in the year 2012, he may get salary from 2012 onwards. But the same was denied by the first respondent, which is not sustainable one. Hence, he prayed for appropriate order.

4. The learned Additional Government Pleader appearing for the respondents would submit that the petitioner was appointed as Secondary Grade Teacher in the third respondent School on 05.07.2012. The petitioner left the service as early as 15.12.2014 from the School. Now, after lapse of five years, the petitioner has filed the present writ petition, seeking direction to grant approval for his appointment. This writ petition is highly belated and the same is liable to be dismissed on this ground alone.



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5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

6. The facts in the present case are not in dispute. Admittedly, the petitioner was appointed as Secondary Grade Teacher in the third respondent School on 05.07.2012 and the said appointment was not approved by the first respondent. Thereafter, he got appointment in the R.C.Middle School, Sanakarankovil as B.T.Assistant (Tamil) on 16.12.2014 and the said appointment was approved on 20.03.2017. However, the grievance of the petitioner is that two years service rendered in the third respondent School ie., from 2012 to 2014 was not approved and if the first respondent approved the appointment of the petitioner, he would have continued in the said School till date. But the fact remains that though the petitioner was appointed in the year 2012, his appointment was not approved at the relevant point of time. Thereafter, he was appointed as B.T.Assistant (Tamil) at R.C.Middle School, Sankarankovil and his appointment was approved with effect from 16.12.2014 ie., from the date of initial appointment. After lapse of 5 years, the petitioner has filed the



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present writ petition, which is not sustainable one. If at all the petitioner is aggrieved, he ought to have challenged the rejection order prior to the appointment in the R.C.Middle School, Sankarankovil as B.T.Assistant (Tamil). Hence, this Writ Petition is liable to be dismissed on the ground of delay and laches. Accordingly, this Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

19.01.2023

akv

To

- 1.The District Educational Officer,
sankarankovil, Tenkasi District.
- 2.The Block Educational Officer,
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- 3.The Correspondent,
R.C.Primary School, Dharmathurani,
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M.DHANDAPANI,J.

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