



W.P.(MD)No.1952 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.1952 of 2023

and

W.M.P.(MD)No.1724 of 2023

A.Selvi

... Petitioner

Vs.

- 1.State of Tamil Nadu
Represented by its Secretary to Government,
School Education Department,
Fort St.George,
Chennai-9.
- 2.The Commissioner of School Education,
DPI Campus,
Chennai-6.
- 3.The Chief Educational Officer,
Thoothukudi District,
Thoothukudi.
- 4.The District Educational Officer,
Thoothukudi District,
Thoothukudi.



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5.The Correspondent,
TDTA Perianayagam Higher Secondary School,
Pudukottai-628103,
Thoothukudi District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records related to the order passed by the fourth respondent in his proceedings in Mu.Mu.No.4362/A2/2020, dated 26.11.2020 and quash the same as illegal and consequent direction may be issued to the respondents to approve the petitioner's appointment from the date of her joining in school on 01.11.2018 and to pay all the service and monetary benefits from aid within a stipulated time.

For Petitioner : Mr.TA.Ebenezer

For Respondents : Mr.J.Ashok

Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned proceedings of the fourth respondent dated 26.11.2020 and to quash the same and consequently direct the respondents to approve the petitioner's



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appointment from the date of her joining in the School on 01.11.2018 and to pay all the service and monetary benefits from aid within a stipulated time.

2. The case of the petitioner is that she was appointed as B.T.Assistant (Science) in the fifth respondent School on 01.11.2018, due to retirement of Mr.S.Gunasingh Davidson on 31.05.2017. Thereafter, the fifth respondent School sent a proposal to the fourth respondent for approval of her appointment on 21.10.2020, along with required documents. However, the fourth respondent by order dated 26.11.2020, rejected the approval of the petitioner's appointment stating that there are surplus teachers in the Corporate Management and hence no appointment could be approved before the surplus teachers are redeployed. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner was appointed in the vacancy caused due to the retirement of one Mr.S.Gunasingh Davidson on 31.05.2017. However, the fourth respondent has rejected the petitioner's request simply on the ground that



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there are surplus teachers in the Corporate Management and hence no appointment could be approved before the surplus teachers are redeployed. Hence, this Court may issue a direction to the fifth respondent School to complete the re-deployment procedure within a reasonable time as fixed by this Court and thereafter, if any vacancy arose, send a fresh proposal for approval of the petitioner's appointment to the Education Department.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 4.

5. Considering the fair submission made by the learned counsel for the petitioner and also considering the fact that the fourth respondent has rejected the proposal sent by the fifth respondent School only on the ground that there are surplus teachers in the Corporate Management, this Court directs the fifth respondent School to complete the re-deployment procedure as expeditiously as possible and thereafter, if any vacancy arose, send a fresh proposal for approval of the petitioner's appointment to the Education Department.



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6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

01.02.2023

NCC: Yes/No

Index : Yes / No

Speaking Order : Yes / No

akv

To

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M.DHANDAPANI,J.

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