



W.P.(MD)No.2390 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:07.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)Nos.2390 of 2023
and
W.M.P(MD)Nos.2168 and 2169 of 2023

The Correspondent,
Bishop Heber Higher Secondary School,
Teppakulam – 620 002,
Tiruchirappalli District.

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St. George, Chennai – 600 009.
- 2.The Director of School Education,
College Road, Chennai – 600 009.
- 3.The Chief Educational Officer,
Trichy, Trichy District.
- 4.The District Educational Officer,
Trichy, Trichy District.
- 5.The Secretary,
Seva Sangam Girls Higher Secondary School,



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.... Respondents

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PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records relating to the impugned proceedings of the third respondent CEO in Na.Ka.No.7300/A4/Aa4/2022 dated 25.01.2023, quash the same as illegal and void.

For Petitioner : Mr.K.Ragatheesh Kumar for
M/s.Isaac Chambers

For R1 to R-4 : Mr.S.Saji Bino,
Special Government Pleader

ORDER

This writ petition has been filed to quash the impugned proceedings of the third respondent in Na.Ka.No.7300/A4/Aa4/2022, dated 25.01.2023, as illegal and void.

2. The case of the petitioner is that the petitioner school is an aided Minority Educational Institution which was established in the year 1762. While being so, the third respondent vide proceedings, dated 13.01.2023, settled the staff fixation for the academic year 2022-2023 fixing eleven(11)posts of B.T., Assistant(Science) and rendered two(2) posts as



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surplus, with and without staff. Hence, the petitioner school submitted an objection to the third respondent on 27.01.2023. While being so, to the shock and surprise of the petitioner, the third respondent passed the impugned order, dated 25.01.2023, deputing one D.Premalatha, who is serving as B.T., Assistant(Science) in the petitioner school as 10th B.T., Assistant to the fifth respondent school, which is under different management. Challenging the same, the petitioner has filed this writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that as per the staff fixation, the eligible number of B.T., Assistants(Science) is eleven. However, in the petitioner's school ,only ten B.T., Assistants(Science) are available, in which, one B.T., Assistant was redeployed as against the staff fixation, which is not sustainable one and thereby, the school management submitted an objection to the third respondent. However, without considering the same, the third respondent has mechanically passed the impugned order. However, the learned counsel for the petitioner, would submit that it would suffice if the third respondent is directed to consider the objection sent by the



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petitioner, dated 27.01.2023, on merits and in accordance with law,
within a specified period.

4. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

5. Considering the limited request made by the learned counsel appearing for the petitioner, this Court, without interfering with the impugned order, directs the third respondent to consider the petitioner's objection, dated 27.01.2023 and pass appropriate orders, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

With the above direction, this writ petition is disposed of.
No Costs. Consequently, connected miscellaneous petitions are closed.

07.02.2023

pm
NCC:Yes/No
Index:Yes/No



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Represented by its
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Trichy, Trichy District.



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M.DHANDAPANI, J.

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