



W.P.(MD)No.2511 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.2511 of 2023

and

W.M.P(MD)Nos.2293 and 2296 of 2023

The Correspondent,
Little Flower Higher Secondary School,
Crawford,
Tiruchirappalli - 620 102.

... 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.



W.P.(MD)No.2511 of 2023

WEB COPY

5. The Correspondent,
Methodist Girls Higher Secondary School,
Woriyur,
Trichy District.

6. S.Grace Lalitha,
B.T.Assistant (Science),
Methodist Girls Higher Secondary School,
Woriyur,
Trichy District.

.... Respondents

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.M.F.Rooshi Maas
for M/s.Isaac Chambers

For Respondents : Mr.S.Shaji Bino
Spl. Govt. Pleader for R1 to R4

ORDER

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



W.P.(MD)No.2511 of 2023

WEB COPY

2. The case of the petitioner is that the petitioner school is an aided Minority Educational Institution, in which, one post of B.T., Assistant (Science) fell vacant on 14.06.2018 due to the death of one J.Kulanthai Theresal on 13.06.2018. The petitioner School appointed a fully qualified person in the said post by name one Stella Mary. After appointment, the petitioner School forwarded a proposal on 30.10.2018 to the District Educational Officer, seeking approval of appointment for the purpose of disbursement of grant-in-aid towards salary. The fourth respondent has returned the said proposal signed on 09.01.2019 directing the school to resubmit the proposal enclosing the Staff Fixation Order of the School for the year 2018, the congregation particulars and Form VII A. The School resubmitted the proposal on 26.07.2019 with the Staff Fixation Order for the year 2018 and the congregation particulars. As regards, the third query, the School submitted a suitable reply stating that the School being a Minority Institution, the question as to submitting Form VII will not arise and requested the fourth respondent to approve the appointment. Again the District Educational Officer returned the proposal stating that in accordance with G.O.(Ms).No.165, School



W.P.(MD)No.2511 of 2023

WEB COPY

Education (Tho.Ka.2 (1)) Department, dated 17.09.2019, the proposal would be considered only after exhausting the surplus post. The School again resubmitted the proposal by emphasizing the fact that the incumbent is appointed in the sanctioned post as B.T.Assistant (Science) even before the said Government Order. Thereafter, the School once again resubmitted the proposal on 10.08.2021 and requested the fourth respondent to approve the appointment of one Stella Mary. But, till date, no order was passed. Thereafter, on enquiry with the officials of the District Educational Officer, they orally informed that they would consider the proposal after getting necessary orders from the Government with regard to the deployment of surplus teachers in other Schools under other Management. While being so, the third respondent passed the impugned order, dated 25.01.2023, deputing the sixth respondent, who is serving in the fifth respondent School, in the petitioner School treating the above stated post as vacant post. Challenging the same, the petitioner has filed this Writ Petition with the aforesaid prayer.



W.P.(MD)No.2511 of 2023

WEB COPY

3. The learned counsel appearing for the petitioner would submit that when a similar issue came up for consideration before a Division Bench of this Court in *Secretary to Government and Others vs. Iruthaya Amali and another* reported in *2021 SCC OnLine Mad 1285*, an elaborate discussion was made, in Paragraph No.148, Clause(f) of the said decision, the procedure for deploying a Teacher was given and in violation of compendium schedule, the impugned order is passed, which is not sustainable one.

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

5. Admittedly, in the resultant vacancy in the post of B.T., Assistant (Science), the petitioner School appointed a person. The said appointment was not approved. Challenging the same, the petitioner school has filed this Writ Petition.



W.P.(MD)No.2511 of 2023

WEB COPY

6. This Court has perused the compendium schedule in paragraph No.148(f) Clause-ix of the decision reported in **2021 SCC OnLine Mad 1285(referred to supra)**. A perusal of impugned order reveals that in compliance with the compendium schedule, the redeployment order is passed. Unless the appointment made by the petitioner School is approved, the petitioner cannot challenge the redeployment order passed. Further, the redeployment order is passed for the welfare of the student, which cannot be interfered with.

7. In the result, this Writ Petition is dismissed. No Costs. Consequently, connected Miscellaneous Petitions are closed.

08.02.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

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6/8



W.P.(MD)No.2511 of 2023

WEB COPY

To

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Chennai – 600 009.
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