



W.P.(MD)No.2547 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.2547 of 2023

and

W.M.P(MD)Nos.2317 and 2318 of 2023

The Correspondent,
St.Joseph's Higher Secondary School,
Somarasampettai,
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.



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5. The Correspondent,
Boys Higher Secondary School,
Tirugarangam,
Trichy.

6. K.Agilandeswari,
B.T.Assistant (Tamil),
Boys Higher Secondary School,
Tiruvarangam,
Trichy.

.... 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.J.Ashok
Addl. Govt. Pleader for R1 to R4

O R D E R

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.

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 (Tamil) fell vacant on 31.03.2019 due to the voluntary retirement of the



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then incumbent V.Manoharan on 31.03.2019. The petitioner School appointed a fully qualified person in the said post by name one Tmt.T.Dhanapackiam. After appointment, the petitioner School forwarded a proposal on 07.06.2019 to the District Educational Officer, seeking approval of appointment for the purpose of disbursement of grant-in-aid towards salary. The District Educational Officer returned the same, by raising certain queries. The petitioner School resubmitted the proposal on 06.11.2020 and requested the District Educational Officer to approve the appointment. However, the same evoked no response. 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. He further submitted that there is no embargo for the Managements for making appointments when there is no surplus teachers available in any of the Schools under the very same 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



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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.

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 Additional Government Pleader appearing for the respondents.

5. Admittedly, in the resultant vacancy in the post of B.T., Assistant (Tamil), the petitioner School appointed a person. The said appointment



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was not approved. Challenging the same, the petitioner school has filed this Writ Petition.

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
vji

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