



W.P.(MD)No.5791 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:20.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.5791 of 2020
W.M.P(MD).No.5062 of 2020

Edward Memorial Middle School,
Periyakulam-626 501,
Theni District,
Rep.by its Secretary
Mr.N.Muralidharan

... Petitioner

Vs.

1.The District Educational Officer,
Periyakulam, Theni District.

2.The Block Educational Officer,
Periyakulam, Theni District.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings in O.Mu.No.A3-122/2020 dated 28.02.2020 issued by the 1st respondent and quash the same as illegal and consequently direct the 1st respondent to reconsider the proposal dated 09.01.2020 submitted by the petitioner School and grant prior permission



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to fill up the sanctioned post of Physical Education Teacher Grade-II within the time limit fixed by this Court.

For Petitioner : Mr.V.R.Shanmuganathan
for S.Manikandan
For Respondents : Mr.S.Saji Bino
Special Government Pleader

ORDER

This writ petition has been filed to call for the records relating to the impugned proceedings in O.Mu.No.A3-122/2020 dated 28.02.2020 issued by the 1st respondent, quash the same as illegal and consequently direct the 1st respondent to reconsider the proposal dated 09.01.2020 submitted by the petitioner School and grant prior permission to fill up the sanctioned post of Physical Education Teacher Grade-II within the time limit fixed by this Court.

2. The learned counsel appearing for the petitioner would submit that in the petitioner School, the post of Physical Education Teacher



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Grade-II was fell vacant due to retirement of one Jayaraman. Hence, the petitioner School has sent a proposal to the 1st respondent. However, the 1st respondent has returned the same vide the impugned order dated 28.02.2020 on the ground that the Hon'ble Division Bench of this Court has granted interim order in W.A(MD).Nos.76 of 2018 etc., However, subsequently, the writ appeals were disposed of. Hence, now there is no legal impediment for the respondents to consider the claim of the petitioner. Therefore, this Court may grant liberty to the petitioner to make a fresh application to fill up the sanctioned post of Physical Education Teacher Grade-II.

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

4. In view of the submission made by the learned counsel appearing for the petitioner, this Court, without interfering with the impugned order passed by the 1st respondent, is inclined to grant liberty to the petitioner to make a fresh application for approval to fill up the



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sanctioned post of Physical Education Teacher Grade-II to the respondents and if any such application is filed, the respondents are directed to pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of the application.

5. Accordingly, this Writ Petition is disposed of. No costs.
Connected miscellaneous petition is closed.

20.01.2023

ssb

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

To

1.The District Educational Officer,
Periyakulam, Theni District.

2.The Block Educational Officer,
Periyakulam, Theni District.

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M.DHANDAPANI,J.

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