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W.P.(MD)NO.5243 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.5243 of 2023

I.Niloufer Merlin Harriot

... Petitioner

Vs.

1. The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.

2. The District Educational Officer,
Tirunelveli,
Tirunelveli District.

3. The Correspondent,
Schaffter Higher Secondary School,
Tirunelveli – 627 001.

... 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 impugned order in O.Mu.No.2439/A4/2020 dated 09.01.2021 passed by the 1st respondent and quash the same and consequently, directing the respondents 1 and 2 to approve the petitioner's appointment as B.T.Assistant (Maths) in the 3rd respondent's school with effect from 24.06.2014 instead of 20.11.2014 and with all consequential monetary benefits and privileges.



For Petitioner : Mr.C.Vakeeswaran
For R-1 & R-2 : Mr.N.Satheeshkumar,
Additional Government Pleader.
For R-3 : No appearance.

* * *

ORDER

Heard the learned counsel on either side.

2. The writ petitioner was appointed as B.T.Assistant (Maths) in the third respondent school on 24.06.2014. In fact the third respondent school was having only the post of Secondary Grade teacher. The management should have obtained approval from the competent authority before upgrading the post of Secondary Grade teacher into B.T.Assistant. Before getting such approval, the petitioner was straightaway appointed. Approval was given only on 20.11.2014. The case of the petitioner is that the approval should have been given with effect from 24.06.2014 and the salary grant should be released for the intervening period also. According to the management as well as the writ petitioner, it is an automatic upgradation.



3. I do not want to go into the issue as whether the upgradation will be automatic. However taking into account the overall facts and circumstances and also the order dated **09.09.2022** passed by me in ***W.P. (MD)No.15506 of 2021 (S.Beaula Jasmine Jeyarani V. The Joint Director of Secondary Grade Education, College Road, Chennai – 6 and Others)***, the order impugned in the writ petition is set aside. Respondents 1 and 2 are directed to approve the petitioner's appointment as B.T.Assistant(Maths) in the third respondent school with effect from 24.06.2014 instead of 20.11.2014. The petitioner shall also be paid all consequential monetary benefits and privileges. This writ petition stands allowed. No costs.

02.06.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

1. The Chief Educational Officer,
Tirunelveli, Tirunelveli District.
2. The District Educational Officer,
Tirunelveli,
Tirunelveli District.



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G.R.SWAMINATHAN,J.

PMU

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