



W.P(MD)No.7257 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7257 of 2023
and
W.M.P(MD)No.6847 of 2023

A.S.Mohammed Ameen

... Petitioner

Vs

1.The Director of School Education
(Higher Secondary),
DPI Complex,
17, College Road,
Subba Road Avenue,
Nungambakkam,
Chennai – 600 008.

2.The Chief Educational Officer,
Madurai Road,
Tiruchirappalli – 620 008.

3.The District Educational Officer,
Collector Office Old Campus,
Tiruchirappalli – 620 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of the third respondent in Na.Ka.No.



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630/Aa4/2023 dated 09.02.2023, quash the same and consequently direct the third respondent to consider the proposal submitted by the petitioner dated 20.02.2023 for approval of appointment G.Hazira Begum, P.G.Assistant (Tamil).

For Petitioner : Mr.P.Arun Jayatram

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner is the Secretary of an aided minority School. He has filed this writ petition challenging the rejection order passed by the third respondent declining to approve the appointment of one G.Hazira Begum as P.G Assistant (Tamil). There is no dispute that vacancy had arisen in the said post. The stand of the Department is that when there is surplus B.T Teacher (Tamil) is available in the very same School, she could not have been promoted as P.G Assistant (Tamil). What the Department states definitely sounds reasonable. But the question is not whether the Department is reasonable. The question is whether the petitioner is entitled to appoint the petition mentioned candidate as P.G Assistant (Tamil).



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3. The learned Additional Government Pleader drawn my attention to the proceedings of the Director of School Education issued on 29.03.2023 in this regard. The said proceedings cannot retrospectively govern the issue. Appointment of G.Hazira Begum was made in December 2022. Since my attention has not been drawn to any statutory prohibition, the impugned order has to be set aside. It is accordingly set aside. The respondents are directed to approve the petition mentioned appointment. Salary grant shall also be released forthwith and without any delay.

4. This writ petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

27.06.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

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G.R.SWAMINATHAN, J.

MGA

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