



W.P(MD)No.7983 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7983 of 2020

and

W.M.P.(MD)No.7426 of 2022

R.V.Thevar Memorial Girls High School,
Cholapuram, Rajapalayam,
Virudhunagar District,
By its Secretary,
V.Ramar.

... Petitioner

Vs.

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

2.The District Educational Officer,
Srivilliputhur,
Virudhunagar District.

3.The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.

... Respondents

*(R3 is suo motu impleaded vide order dated
25.08.2021 in W.P.(MD)No.7983 of 2020 by
GRSJ)*



W.P(MD)No.7983 of 2020

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire records in connection with the impugned order passed by the 2nd respondent in Na.Ka.No.2603/A1/2019 dated 09.06.2020 and quash the same and directing the respondents to approve the appointment of A.Dhivya as Junior Assistant in petitioner school namely R.V. Thevar Memorial Girls High School, Cholapuram, Rajapalayam, Virudhunagar District with salary and all attendant monetary benefits w.e.f. 01.11.2019 as per the proposal submitted by the petitioner dated 16.05.2020.

For Petitioner : Mr.K.K.Kannan

For Respondents : Mr.N.Satheesh Kumar,
Addl. Government Pleader.

ORDER

The writ petitioner is an aided non-minority institution. Vacancy arose in the post of Junior Assistant. The Management appointed one A.Dhivya with effect from 01.11.2019. The proposal was sent to the competent authority for approving the said appointment. By the impugned order, the department returned the proposal by citing G.O.(Ms) No.238, School Education Department, dated 13.11.2018. Challenging the said order, the present writ petition has been filed.



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2.Heard the learned counsel on either side.

3.The validity of the said government order has already been upheld by me. The appointment was made subsequent to the said government order. The learned counsel for the petitioner points out that even after the said government order, the school is having the requisite students' strength and that therefore, they are entitled to have one post of Junior Assistant. On this, there is no dispute. The real problem is that there is already availability of surplus Junior Assistant in the District itself. While I cannot direct the respondents to approve the petition mentioned appointment, I direct the respondents to deploy any surplus Junior Assistant in the vacancy in the petitioner / school. This shall be done within a period of four weeks from the date of a copy of this order. The petitioner is also directed to submit a formal application in this regard to the first respondent within a period of ten days from the date of receipt of a copy of this order.



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4.This writ petition is disposed of accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

20.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:-

- 1.The Chief Educational Officer,
Virudhunagar District,
Virudhunagar.
- 2.The District Educational Officer,
Srivilliputhur,
Virudhunagar District.
- 3.The Director of School Education,
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G.R.SWAMINATHAN, J.

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