



W.P.(MD)Nos.7997 and 7998 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:03.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)Nos.7997 and 7998 of 2020

and

W.M.P(MD)Nos.7435 to 7437 of 2020

and

W.M.P(MD)Nos.7439, 7441 and 7442 of 2020

G.Vilvajothe ... Petitioner in W.P(MD)No.7997 of 2020

M.Santhi ... Petitioner in W.P(MD)No.7998 of 2020

Vs.

1.The District Collector,
Thoothukudi.

2.The Chief Educational Officer,
Thoothukudi.

3.The District Educational Officer,
Tiruchendur, Thoothukudi District.

4.The Secretary,
Valliammai Girls Higher Secondary School,
Kulasekarapattinam, Tiruchendur Taluk,
Thoothukudi District. ... Respondents in both W.Ps



W.P.(MD)Nos.7997 and 7998 of 2020

Prayer in W.P(MD)No.7997 of 2020: 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 order in Na.Ka.No.6042/Aa3/2018 dated 19.06.2020 on the file of the second respondent and quash the same and further, directing the second respondent to grant approval to appointment of the petitioner as Office Assistant in the fourth respondent School from her date of appointment ie., 18.03.2019.

Prayer in W.P(MD)No.7998 of 2020: 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 order in Na.Ka.No.6042/Aa3/2018 dated 19.06.2020 on the file of the second respondent and quash the same and further, directing the second respondent to grant approval to appointment of the petitioner as Record Clerk in the fourth respondent School from her date of appointment ie., 18.03.2019.

(In both Cases)

For Petitioner

For R-1 to R-3

: Mr.G.Prabhu Rajadurai

: Mr.S.Saji Bino,

Special Government Pleader

COMMON ORDER

These writ petitions have been filed to quash the impugned order in Na.Ka.No.6042/Aa3/2018, dated 19.06.2020, passed by the second



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respondent and further, to direct the second respondent to grant approval for appointment of the petitioners as Office Assistant and Record Clerk respectively in the fourth respondent School from the date of their appointment ie., 18.03.2019.

2. Since the issue raised in these writ petitions is one and the same, these writ petitions are disposed of by way of this common order.

3. The case of the petitioners is that the fourth respondent is a private Higher Secondary School aided by the Government of Tamilnadu. The Educational Agency which runs the fourth respondent school established a Teacher Training Institute in the year 1947 in the name and style of Valliammaiyyar Hindu Teacher Training Institution. The said Institute was also aided by the Government. The petitioners were appointed in the said Institute as an Office Assistant and Record Clerk respectively. Due to financial difficulties, the said Institute was closed on 22.07.2017 after obtaining permission from the Authorities concerned. Thereafter, the petitioners were accommodated in the fourth respondent School. Subsequently, the fourth respondent forwarded proposals for



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approval of appointment of the petitioners. Since no order was passed, the petitioners have filed writ petitions in W.P(MD)Nos.2767 and 2766 of 2020, in which, this Court vide order, dated 09.03.2020, directed the second respondent to pass orders on the proposals sent by the fourth respondent school, dated 27.11.2019, within a period of twelve weeks. Pursuant to the said direction, the second respondent has passed the impugned orders refusing to approve the appointment of the petitioners. Challenging the same, the petitioners have filed these writ petitions with the aforesaid prayer.

4. The learned counsel appearing for the petitioners would submit that primarily the petitioners were not absorbed in the fourth respondent school on the ground that closure of the Institute was not approved by State Council of Educational Research and Training(hereinafter referred to as “SCERT”). Apart from that, yet another ground was raised stating that in the fourth respondent school received grant-in-aid for 9th and 10th standard only and there were 68 students studied in 9th and 10th standards and therefore, the fourth respondent is eligible to get one post. But, even the said one post was not approved and hence, the impugned orders



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passed by the fourth respondent is not sustainable one and hence, prayed for appropriate orders.

5. The fourth respondent has filed a counter affidavit reiterating the averments made by the petitioners in their respective writ petitions.

6. Heard the learned counsel appearing for the petitioners, the learned Additional Government Pleader appearing for the official respondents and perused the materials placed before this Court.

7. Perusal of the impugned orders shows that the petitioners' appointment was not approved by the Educational Authorities on two grounds, namely, the closure of Valliammaiya Hindu Teacher Training Institution, was not approved by the SCERT and the fourth respondent school have no sufficient students strength to fill up the two non-teaching staff. However, it is seen that there are totally 68 students studying in the fourth respondent school in 9th and 10th standards and therefore, the Authorities have to sanction eligible post to the fourth respondent school. As rightly stated by the second respondent, without getting approval for



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the closure of the Institute run by the fourth respondent management, the petitioners cannot be absorbed into the fourth respondent school.

8. Hence, without interfering with the orders impugned in the writ petitions, the fourth respondent is directed to get approval for closure of the Institute from SCERT and after getting approval for closure, send a fresh proposal to the Educational Authorities for approval of appointment of the petitioners in the fourth respondent school.

9. These writ petitions are disposed of in the above terms.
No Costs. Consequently, connected miscellaneous petitions are closed.

03.02.2023

PM

NCC:Yes/No

Index:Yes/No

To

1.The District Collector,
Thoothukudi.

2.The Chief Educational Officer,
Thoothukudi.

3.The District Educational Officer,
Tiruchendur, Thoothukudi District.



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M.DHANDAPANI, J.

pm

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