



W.P(MD)No.7748 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7748 of 2023

Mangapuram Hindu Higher Secondary School,
Srivilliputhur,
Virudhunagar District,
Through its Secretary.

... Petitioner

Vs.

1.The Chief Educational Officer,
Virudhunagar.

2.The District Educational Officer (Secondary),
Sivakasi Educational District,
Sivakasi, Virudhunagar District.

... Respondents

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 relation to impugned order passed by the 2nd respondent in O.Mu.No.4662/A3/2022 dated 02.11.2022 and quash the same and directing the respondents to grant prior permission to fill up the vacant post of PG teacher Maths in the petitioner school namely Mangapuram Hindu Higher Secondary School, Srivilliputhur - 626 125 as per the proposal submitted by the petitioner school dated 07.07.2022.



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For Petitioner : Mr.K.K.Kannan

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

ORDER

Heard the learned counsel on either side.

2.The petitioner is an aided non-minority institution. Vacancy has arisen in the post of P.G.Assistant (Maths). The petitioner has approached the first respondent for permission to fill up the said vacancy. I made it clear to the petitioner's counsel that if there are surplus teachers available in Virudhunagar District, permission cannot be granted. The matter was adjourned to enable the learned Additional Government Pleader to obtain instructions. On instructions from Mrs.Tamil Selvi, Chief Educational Officer, Virudhunagar who is present in person, the learned Additional Government Pleader would state that there are no surplus P.G.Assistant teachers available in Virudhunagar District.



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3.In this view of the matter, the order impugned in this writ petition is set aside. The first respondent is directed to issue proceedings permitting the petitioner / management to fill up the vacancy in the post of P.G.Assistant (Maths) subject to their adhering to rules and procedures. The petitioner is permitted to re-submit their proposal and within a period of two weeks after receipt of the same, the first respondent will issue proceedings as mentioned above.

4.This writ petition is allowed accordingly. No costs.

28.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The Chief Educational Officer,
Virudhunagar.
- 2.The District Educational Officer (Secondary),
Sivakasi Educational District,
Sivakasi, Virudhunagar District.



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